PLANNING & DEVELOPMENT COMMITTEE
Tuesday, November 17, 2016
6:00 pm
Council Board Room
One Batavia City Centre, Batavia NY

AGENDA

I. Roll Call

II. Call to Order

III. Approval of Minutes – 9/20/16 and 10/18/16

IV. Proposals

Address: *311-313 Main St.*
Applicant: Zach Mattiacio (agent for Ziebart)

Proposal 1: Special Sign Permits: placement of three window signs, two on the north elevation and one on the west elevation of this commercial building located within the General Commercial District
Actions:
1. Remove from the table
2. Review application
3. Discussion and action by the board

Address: *337-355 Bank St.*
Applicant: David Van Der Woude (Senior Project Manager)

Proposal 2: Placement of a 10' x 2' unlit freestanding sign in the southwest lawn of this large scale multifamily residential development located within the R-1 residential use district
1. Review application
2. Discussion and action by the board

Address: *425A West Main St.*
Applicant: Saed Shafie (sign contractor)

Proposal 3: Special Sign Permit: Placement of one per side, three total, interior lit signs on the north, west, and east elevations of the roof structure of this commercial building located within the General Commercial District
Actions:
1. Review application
2. Discussion and action by the board

Address: *109-111 Main St.*
Applicant: Matthew Moscati, RA (architect for the owner)

Proposal 4: "Restricted Residential Use" Special Use Permit: creation of seven dwelling units above the first floor in this existing commercial use

building being repurposed for use as a mixed use building containing a brewery, restaurant, and fresh lab concession space on the first floor

Actions: 1. Review application
2. Public hearing
3. Discussion and action by the board

Address: *151 Oak St.*
Applicant: Estate of Adolph Mruczek through Michael Del Plato, Esq.

Proposal 5: Use Variance: Construction of a two story, two family dwelling on this vacant parcel located within the R-1 Residential use district
1. Review application
2. Discussion and recommendation to the ZBA
3.Sketch Plan review

Regarding: S*ign Code Changes*

Proposal 6: City Council has requested the Planning and Development Committee review the present sign code section of the Batavia Municipal Code and prepare changes to that code that would include regulations specific to electronic message boards. PDC discussions have led to a draft that changes the code section substantially and requires recommendation to City Council

Actions: 1.Review sign code
2. Public Hearing
2. Discussion and recommendation to City Council

V. Other/ New Business/Updates

VI. Setting of Next Meeting: December 13 or December 20?

VII. Adjournment

PLANNING & DEVELOPMENT COMMITTEE
MINUTES
September 20, 2016
6:00 pm

Council Board Room
One Batavia City Centre, Batavia NY

Members present: *Edward Flynn, Matthew Gray, Robert Knipe, Duane Preston*

Members absent: Marc Staley (Alt.), Rachael Tabelski

Others present: Meg Chilano – Recording Secretary, Jason Molino – City Manager, Felipe Oltramari – Director, Genesee County Planning Board, Doug Randall – Code Enforcement Officer

I. Roll Call
Roll call of the members was conducted. Four members were present and Chairman Preston declared a quorum.

II. Call to order
Mr. Preston called the meeting to order at 6:01 pm.

III. Previous Meeting Minutes
MOTION: Mr. Gray moved to approve the minutes; the motion was seconded by Mr. Flynn, and on roll call, was approved 3-0-1.
Votes in favor: 3 (Matt Gray, Edward Flynn, Duane Preston)
Votes opposed: 0
Votes abstained: 1 (Robert Knipe)
RESULT: Approval of August 16, 2016 meeting minutes.

IV. Proposals

A. <u>Placement of one exterior lit wall sign on the north elevation and one exterior lit wall sign on the south elevation of this commercial building located within the BID</u>

Address: *164 Washington Ave.*
Applicant: Mike Hodgins (sign contractor)

Actions: 1. Review application
2. Discussion and action by the board

1. Review Application
Mr. Preston read the summary of the proposal. Cindy Baird was present to speak for Mike Hodgins, who was able to attend.

2. Discussion and Action by the Board
Mr. Flynn asked if the signs are both under the 25% limit and Mr. Randall said they are. Mr. Flynn asked about the lighting and Ms. Baird referred the board to the photo. Mr. Preston

determined that signs are illuminated indirectly from lights already on the exterior of the building.

MOTION: Mr. Flynn moved to approve the sign and the Special sign; the motion was seconded by Mr. Knipe, and on roll call, was approved 4-0.
RESULT: Two sign permits approved.

B. Special Sign Permit: Placement of one window mural to cover the entire window surface on the north elevation's west side of this commercial building located within the BID

Address: *206 East Main St.*
Applicant: Vic Marchese (owner)

Actions:
1. Remove application from table
2. Review application
3. Discussion and action by the board

1. Remove Application from the Table
MOTION: Mr. Flynn moved to remove the application from the table; the motion was seconded by Mr. Gray, and on roll call, was approved 4-0.
RESULT: Application removed from table.

2. Review Application
Mr. Preston summarized the proposal. Mr. Preston reported that the Genesee County Planning Board recommendation approval with modifications. The modification is that the mural must be reduced to comply with the City's requirement of 25% maximum sign coverage of the window space. The PDC had referred the application to the Zoning Board of Appeals for an interpretation. Mr. Preston read the ZBA's interpretation into the minutes. (See attached.)

Mr. Marchese said that other businesses have signs which cover the entire window and since his sign has holes in it, technically, it should only be counted as 50% coverage.

3. Discussion and Action by the Board
Mr. Preston noted that the rules for posters are different than those for signs. More coverage is allowed because they are meant to be temporary and not a permanent fixture in the window. Mr. Flynn told Mr. Marchese that his complaint about other businesses with signs exceeding the maximum allowable coverage is a matter for Code Enforcement.

Mr. Randall stated that Mr. Marchese's sign was cited as a result of a specific complaint regarding the size. He further stated that as a result of Mr. Marchese's complaints, the other properties will be cited and will go through the same process.

Mr. Preston pointed out that just because the sign has perforations, according to the interpretation, it does not mean it takes up less space on the window.

Mr. Gray commented that though he understands the interpretation of the mural as a sign according to the code, it does not have text and it is attractive.

Mr. Knipe commended Mr. Marchese on the appearance of the restaurant but observed that it is the board's job to make sure proposals are in compliance with the code. He added that this is the reason the PDC asked the ZBA for an interpretation.

Mr. Preston pointed out that the board recently denied a similar proposal for 59 Main St. Mr.

Flynn said that he interprets the 25% maximum allowable space as referring to the amount of window space on the first floor façade of the building.

Mr. Flynn asked if Mr. Marchese could reduce the size of the sign. Mr. Marchese responded that it would take away from the affect to make it smaller.

MOTION: Mr. Flynn moved to approve the application with the following modification: the eastern panel of the sign must be removed; the motion was seconded by Mr. Knipe, and on roll call, was approved 4-0.
RESULT: Special Sign Permit approved with modifications.

C. Placement of two exterior lit wall signs on the south elevation of this commercial building located within the BID. One of the signs will require a Special Sign Permit

Address: *60 Main St.*
Applicant: Brenden Mullen (business owner)

Actions: 1. Remove application from table
2. Review application
3. Discussion and action by the board

1. Remove Application from the Table
MOTION: Mr. Gray moved to remove the application from the table; the motion was seconded by Mr. Knipe, and on roll call, was approved 4-0.
RESULT: Application removed from table.

2. Review Application
Mr. Preston summarized the proposal. Ms. Baird, from John's Studio, was available to answer questions.

3. Discussion and Action by the Board
Mr. Flynn asked if the signs are lit and Ms. Baird said they are not.

MOTION: Mr. Knipe moved to approve the application; the motion was seconded by Mr. Gray, and on roll call, was approved 4-0.
RESULT: Sign permits approved.

DRAFT

V. Other/New Business/Updates: Sign Code Revision Update

City Manager Jason Molino outlined the updates made to the sign code based on recommendations from the Steering Committee. Following discussion, the board agreed on final changes:

- Projecting, Shingle and Bracket signs increased to 10 sq.' from 6 sq.'
- Clarify how overall area allocation is measured for window signs
- Require City Planning and Development Committee review of area variances for sings in the C-3 District

VI. Setting of Next Meeting: October 18, 2016

VII. Adjournment

Mr. Flynn moved to adjourn the meeting at 7:30 pm; the motion was seconded by Mr. Gray. All voted in favor.

_____

Meg Chilano
Bureau of Inspection Clerk

DRAFT

City of Batavia
Department of Public Works
Bureau of Inspections
One Batavia City Center, Batavia, New York 14020 (585)-345-6345 (585)-345-1385 (fax)

To: Genesee County Planning
Planning and Development Committee

From: Doug Randall, Code Enforcement Officer

Date: 10/3/16

Re: 311-313 West Main St.
Tax Parcel No. 84.006-3-38

Zoning Use District: C-2

The applicant, Zack Mattiacio (agent for ziebart), has applied for Special Sign Permits to place 3 window signs, 2 on the north elevation and 1 on the west elevation of this commercial building located within the General Commercial District.

Note: This is a type II action as defined by Environmental Conservation Law and is not subject to review under SEQR 6 NYCRR Part 617.5 (c) (1).

Review and Approval Procedures:

County Planning Board- Pursuant to General Municipal Law 239 m, referral to the County Planning Board is required since the property is within 500 feet of the **right of way of a state road or highway.**

City Planning and Development Committee- Pursuant to section 190-43 R, the Planning and Development Committee shall review and approve applications for Special Sign Permits prior to permit issuance.

BMC 190-43 F and Exhibit A Window signs may not exceed 25% of the window area.

GENESEE COUNTY PLANNING BOARD ZONING REFERRALS NOTICE OF FINAL ACTION

GCDP Referral ID	C-27-BAT-10-16
Review Date	10/13/2016
Municipality	BATAVIA, C.
Board Name	CITY PLANNING AND DEVELOPMENT COMM.
Applicant's Name	Zach Mattiacio
Referral Type	Special Sign Permit
Variance(s)	
Description:	Special Sign Permit to place three window signs on a commercial building.
Location	311 W. Main St.(NYS Rt. 5), Batavia
Zoning District	General Commercial (C-2) District

PLANNING BOARD DECISION

APPROVAL

EXPLANATION:

The proposed signs do not significantly deviate from the City's sign provisions and should pose no significant county-wide or inter-community impact.

Felix A. [illegible]

Director

October 13, 2016

Date

If the County Planning Board disapproved the proposal, or recommends modifications, the referring agency shall NOT act contrary to the recommendations except by a vote of a majority plus one of all the members and after the adoption of a resolution setting forth the reasons for such contrary action. Within 30 days after the final action the referring agency shall file a report of final action with the County Planning Board. An action taken form is provided for this purpose and may be obtained from the Genesee County Planning Department.

C-27-BAT-10-16

Sign Permit Application
Ziebart | Batavia, NY

September 24, 2016

Purpose of Window Coverings
Ziebart needed a way to provide enhanced security to the glass in the front of the building. Ziebart wanted to ensure that people could not see the valuables (computers, vehicle accessories, electronics, etc.) inside the building. This film diminishes visibility and aids in holding the glass together during attempted break-in.

Ziebart also wanted to improve roadside appearance by adding the red and black colors and the logos. Ziebart also added a promotional message on window number 5 which is intended for customers in the parking lot (not driving by).

Lastly, these window coverings aid in energy efficiency by minimizing the amount of sun that shines in the building.

List of Signs with Dimensions *(correspond to above image numbers)*

1.	57" x 31"	Ziebart Graphics (area of 5.17')	(Special sign pmt)
2.	58" x 31.5"	Graphic utilization is less than 25%	
3.	58" x 31.5"	Graphic utilization is less than 25%	
4.	46" x 21"	Exempt, operating hours, store info (number)	
5.	61.5" x 37.5"	Exempt, temporary message, changed seasonally	
6.	61.5" x 37.5"	Graphic utilization is less than 25%	
7.	61.5" x 37.5"	Graphic utilization is less than 25%	
8.	61.5" x 37.5"	Ziebart Graphics (area of 5.17')	(Special sign pmt)
9.	61.5" x 37.5"	Ziebart Graphics (area of 5.17')	(Special sign pmt)
10.	61.5" x 37.5"	Graphic utilization is less than 25%	

Buildings Served
The signs belong to buildings addressed at both 311 and 313 West Main Street. Ziebart also has warehouse space behind Crickler Vending in the adjacent building.

Information provided by: Zachary Mattiacio and can be reached at 585-354-4782 or zmattiacio@bartny.com. Thank you!

Zack

Permit No.:_____
Date:_____
Zone: C-2

SIGN PERMIT APPLICATION
City of Batavia

One Batavia City Centre, Batavia, NY 14020
(585) 345-6345 • Fax (585) 345-1385

APPLICANT/OWNER: Monroe County Automotive Sales Inc dba Ziebart
Name — E-mail Address

309-13 W. Main St. — 585-254-7288 / 585-254-7268
Street Address — Phone — Fax

Batavia, NY 14020 — ZMattiacio@Bartny.com
City, State, Zip Code

ADDRESS OF SIGN: 311 W. Main St. Batavia, NY 14020

AREA OF SIGN: Length ~~57"~~ Width ~~31"~~ Area ~~12.27~~ 5.17 sq.'
(Sign #1 listed on Doc)

TYPE OF SIGN:

1. **All sign applications must have an illustration of the sign with its dimensions and copy.**
2. **Freestanding signs must have a Sit Plan to show the sign's location on the property.**
3. **All other signs must include an elevation plan to show the sign's placement on the building.**

☐ Freestanding	Set Back _____	Height _____	
☐ Wall	Wall Length _____	Wall Height _____	Area _____
☐ Projecting			
☐ Marquee			
☐ Awning / Canopy	Length _____	Height _____	Area _____
☒ Window	Window Length 57"	Window Height 31"	Area 12.27
☐ Portable			

Lighting: ☐ Internal ☐ External ☒ no Lighting

3.67 sq.' Permitted
5.17 sq.' Proposed (42%)
1.5 over (Special Sign pd)

Existing Signs (Please list all existing signs with dimensions):
Main/header - 15' x 5'

Applicant's Signature _____ **Date** 9/26/16

Issuing Officer _____ **Date** _____

Planning Board Chairperson _____ **Date** _____

FEES: ____ **$25 Sign Permit** ✓ **$50 Special Sign Permit** ____ **$10 Portable Sign**

Permit No.:_____
Date:_____
Zone: C-2

SIGN PERMIT APPLICATION
City of Batavia
One Batavia City Centre, Batavia, NY 14020
(585) 345-6345 • Fax (585) 345-1385

APPLICANT/OWNER: Genesee County Association for the Blind
Name — E-mail Address
Bldg B W. Main St. — 585-344-2254 / 585-344-2266
Street Address — Phone / Fax
Batavia NY 14020 — zmattinger@bartlay.com
City, State, Zip Code

ADDRESS OF SIGN: 311 W. Main St. Batavia, NY 14020

AREA OF SIGN: Length ~~6.5~~ Width ~~3.5~~ Area ~~16.02~~ 5.17'

TYPE OF SIGN: (Sign # 8 listed on Doc)

1. **All sign applications must have an illustration of the sign with its dimensions and copy.**
2. **Freestanding signs must have a Sit Plan to show the sign's location on the property.**
3. **All other signs must include an elevation plan to show the sign's placement on the building.**

- ☐ Freestanding — Set Back _____ Height _____
- ☐ Wall — Wall Length _____ Wall Height _____ Area _____
- ☐ Projecting
- ☐ Marquee
- ☐ Awning / Canopy — Length _____ Height _____ Area _____
- ☒ Window — Window Length ~~6.5~~ Window Height ~~3.5~~ Area ~~16.02~~
- ☐ Portable

Lighting: ☐ Internal ☐ External ☒ No Lighting

Existing Signs (Please list all existing signs with dimensions):
Main/header - 15' x 5'

4 sq. Permitted
5.17 sq. Proposed (32%)
1.17 over
(Special Sign)

Applicant's Signature _____ **Date** 9/20/10

Issuing Officer _____ **Date** _____

Planning Board Chairperson _____ **Date** _____

FEES: ____ **$25 Sign Permit** ✓ **$50 Special Sign Permit** ____ **$10 Portable Sign**

Permit No.:_____
Date:_____
Zone:_____

SIGN PERMIT APPLICATION
City of Batavia
One Batavia City Centre, Batavia, NY 14020
(585) 345-6345 • Fax (585) 345-1385

APPLICANT/OWNER: Monroe County Democratic Committee Inc. Pirbo
Name — E-mail Address

Bldg B W. Main St. — 585 254 7258 / 585 254 [illegible]
Street Address — Phone / Fax

Batavia, NY 14020 — Matthew@Batavia.com
City, State, Zip Code

ADDRESS OF SIGN: 311 W. Main St. Batavia, NY 14020

AREA OF SIGN: Length ~~6.5~~ Width ~~32.5~~ Area ~~14.02~~ 5.17'

TYPE OF SIGN: (Sign # 9 listed on Doc)

1. **All sign applications must have an illustration of the sign with its dimensions and copy.**
2. **Freestanding signs must have a Sit Plan to show the sign's location on the property.**
3. **All other signs must include an elevation plan to show the sign's placement on the building.**

- ☐ Freestanding — Set Back _____ Height _____
- ☐ Wall — Wall Length _____ Wall Height _____ Area _____
- ☐ Projecting
- ☐ Marquee
- ☐ Awning / Canopy — Length _____ Height _____ Area _____
- ☒ Window — Window Length 6.5 Window Height 32.5 Area 14.02
- ☐ Portable

Lighting: ☐ Internal ☐ External ☒ no lighting

4 sq' Permitted
5.17 sq' Proposed (§2-90)
1.17 over (Special Sign)

Existing Signs (Please list all existing signs with dimensions):

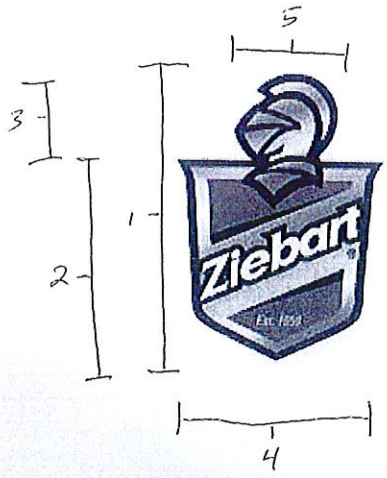
Main/header - 15 x 5'

Applicant's Signature _____ **Date** 9/20/10

Issuing Officer _____ **Date** _____

Planning Board Chairperson _____ **Date** _____

FEES: X **$25 Sign Permit** ____ **$50 Special Sign Permit** ____ **$10 Portable Sign**



1- 37"
2. 26"
3. 11"
4. 24"
5. 13"

*Need this for windows (1), (8), (9)
→ numbered Left to Right

1 x 4 = 37" x 24" = 5.17 Area
(h) (w)

Information provided by: Zachary Mattiacio and can be reached at 585-354-4782 or zmattiacio@bartny.com. Thank you!

City of Batavia
Department of Public Works
Bureau of Inspections
One Batavia City Center, Batavia, New York 14020 (585)-345-6345 (585)-345-1385 (fax)

To: Genesee County Planning
Planning and Development Committee

From: Doug Randall, Code Enforcement Officer

Date: 10/13/16

Re: 337-355 Bank St.
Tax Parcel No. 71.020-1-7

Zoning Use District: R-1

The applicant, David VanDerWoude (Senior Project Manager), has applied for approval to place a 10' x 2' unlit freestanding sign in the southwest lawn of this large scale multifamily residential development located within the R-1 residential use district.

Note: This is a type II action as defined by Environmental Conservation Law and is not subject to review under SEQR 6 NYCRR Part 617.5 (c) (1).

Review and Approval Procedures:

County Planning Board- Pursuant to General Municipal Law 239 m, referral to the County Planning Board is required since the property is within 500 feet of the City boundary.

City Planning and Development Committee- Pursuant to section 190-43 R the PDC shall approve or deny the issuance of Special Sign Permits.

190-43 F and Exhibit A - Free standing signs are not permitted within the R-1 residential use district.

SEND OR DELIVER TO:
GENESEE COUNTY DEPARTMENT OF PLANNING
3837 West Main Street Road
Batavia, NY 14020-9404
Phone: (585) 344-2580 Ext. 5467

DEPARTMENT USE ONLY:
GCDP Referral # _____

* GENESEE COUNTY *
PLANNING BOARD REFERRAL

Required According to:
GENERAL MUNICIPAL LAW ARTICLE 12B, SECTION 239 L, M, N
(Please answer ALL questions as fully as possible)

1. REFERRING BOARD(S) INFORMATION

Board(s) Planning and Development Committee
Address One Batavia City Centre
City, State, Zip Batavia, NY 14020
Phone (585) 345 - 6347 Ext.

2. APPLICANT INFORMATION

Name David E. VanDerWoude
Address 21 Barrington Hills
City, State, Zip Pitsford, NY 14534
Phone (585) 721 - 3497 Ext. Email dev@barringtonresidential.

MUNICIPALITY: ☒ City ☐ Town ☐ Village of Batavia

3. TYPE OF REFERRAL: (Check all applicable items)

- ☐ Area Variance
- ☐ Use Variance
- ☐ Special Use Permit
- ☐ Site Plan Review
- ☐ Zoning Map Change
- ☐ Zoning Text Amendments
- ☐ Comprehensive Plan/Update
- ☒ Other: Special sign permit

Subdivision Proposal
- ☐ Preliminary
- ☐ Final

4. LOCATION OF THE REAL PROPERTY PERTAINING TO THIS REFERRAL:

A. Full Address 337-355 Bank St.
B. Nearest intersecting road Ross
C. Tax Map Parcel Number 71.020-1-7
D. Total area of the property _____ Area of property to be disturbed _____
E. Present zoning district(s) R-1

5. REFERRAL CASE INFORMATION:

A. Has this referral been previously reviewed by the Genesee County Planning Board?

☒ NO ☐ YES If yes, give date and action taken _____

B. Special Use Permit and/or Variances refer to the following section(s) of the present zoning ordinance and/or law

BMC 190-43 R

C. Please describe the nature of this request Approval to place a 10' x 2' free standing sign on this property located within the R-1 residential use district.

6. ENCLOSURES – Please enclose copy(s) of all appropriate items in regard to this referral

- ☒ Local application
- ☒ Site plan
- ☐ Subdivision plot plans
- ☐ SEQR forms
- ☐ Zoning text/map amendments
- ☐ Location map or tax maps
- ☒ Elevation drawings
- ☐ Agricultural data statement
- ☐ New or updated comprehensive plan
- ☒ Photos
- ☒ Other: Cover letter

If possible, please provide a reduced version or digital copy of any supporting documentation larger than 11 x 17. Email to planning@co.genesee.ny.us

7. CONTACT INFORMATION of the person representing the community in filling out this form (required information)

Name Douglas Randall Title Code Enf. Officer Phone (585) 345 - 6327 Ext.
Address, City, State, Zip One Batavia City Centre, Batavia, NY 14020 Email drandall@batavianewyork.com

Permit No.: _____
Date: _____
Zone: R-1

71,020-1-7

SIGN PERMIT APPLICATION

City of Batavia

One Batavia City Centre, Batavia, NY 14020
(585) 345-6345 • Fax (585) 345-1385

APPLICANT/OWNER: 337 Walden Associates LLC — dev@barringtonresidential.com
Name — E-mail Address

21 Barrington Hills — 585-721-3497
Street Address — Phone — Fax

Pittsford, NY 14534
City, State, Zip Code

ADDRESS OF SIGN: 337-355 Bank St. ~~81~~ Walden Creek Drive

AREA OF SIGN: Length 120" Width 24" Area 20 sq.ft.

TYPE OF SIGN:

1. **All sign applications must have an illustration of the sign with its dimensions and copy.**
2. **Freestanding signs must have a Sit Plan to show the sign's location on the property.**
3. **All other signs must include an elevation plan to show the sign's placement on the building.**

X Freestanding	Set Back _____	Height _____	
☐ Wall	Wall Length _____	Wall Height _____	Area _____
☐ Projecting			
☐ Marquee			
☐ Awning / Canopy	Length _____	Height _____	Area _____
☐ Window	Window Length _____	Window Height _____	Area _____
☐ Portable			

Lighting: ☐ Internal ☐ External

Existing Signs (Please list all existing signs with dimensions):

_____ _____

_____ _____

Applicant's Signature _____ **Date** _____

Issuing Officer _____ **Date** _____

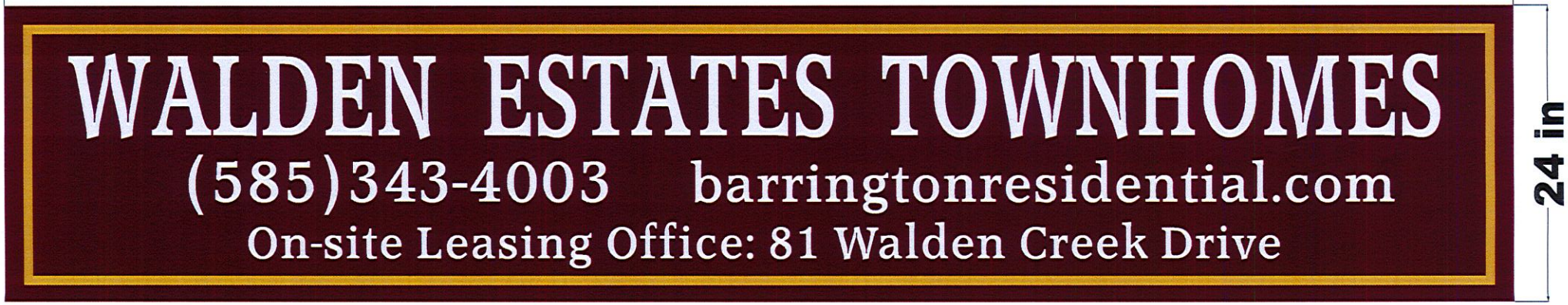
Planning Board Chairperson _____ **Date** _____

FEES: _____**$25 Sign Permit** _____**$50 Special Sign Permit** _____**$10 Portable Sign**

WALDEN ESTATES

1 sided 2'x10'
$405.00

120 in

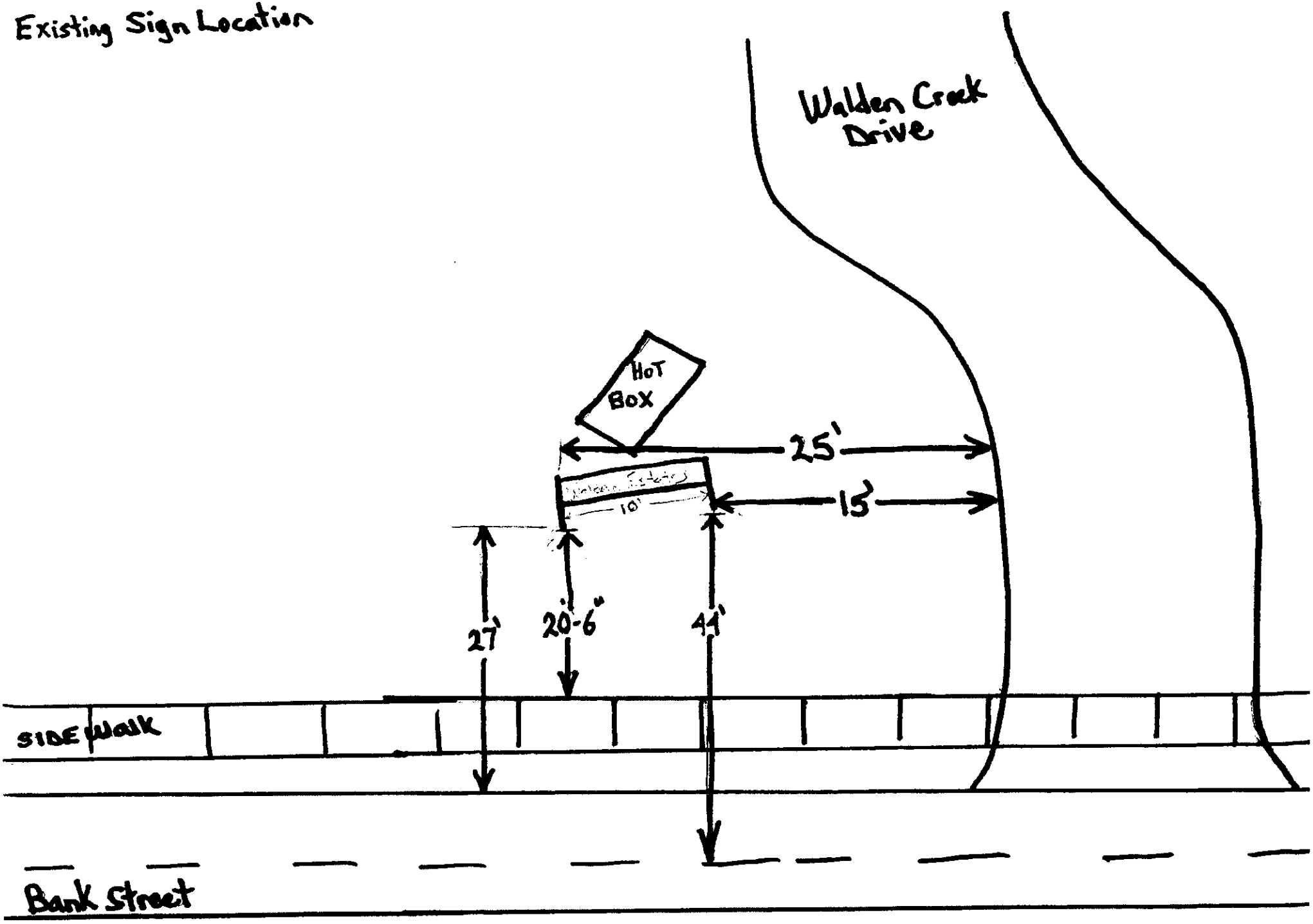


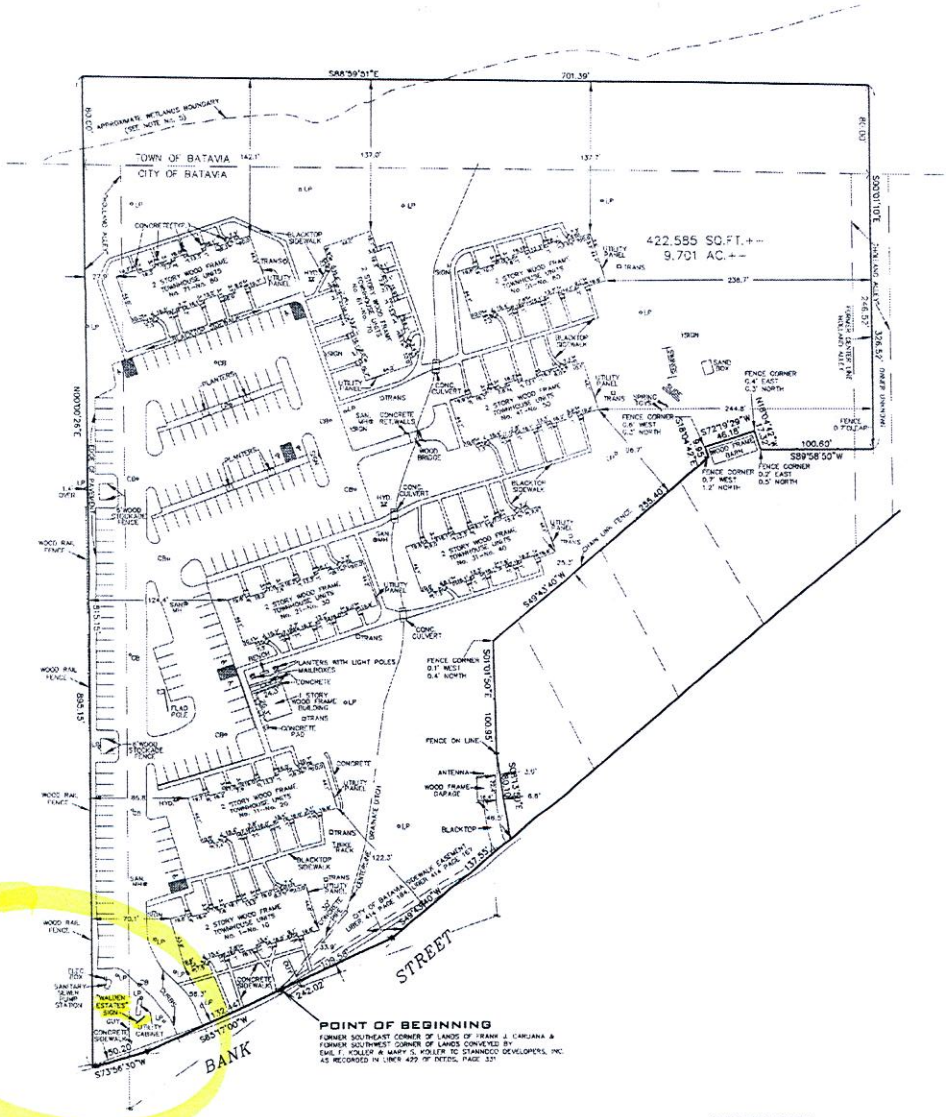
24 in

WALDEN... - 7"
phone and .com - 4.75"
On site- 3.75"

Walden Estates

Existing Sign Location





LEGEND

- CB : CATCH BASIN
- DMH : DRAINAGE MAN HOLE
- HYDRANT
- LIGHT POLE
- SMH : SANITARY SEWER MAN HOLE
- SIGN
- TRANS : TRANSFORMER
- UTILITY POLE

GRAPHIC SCALE

(IN FEET)
1 inch = 50 ft.

Notes:

1) Subject to easement granted by R. Stephen Hawley and Ellen S. Hawley, husband and wife, to Batavia Turf Farms, Inc. recorded in liber 392 of deeds at page 92. (Description is insufficient for graphical plotting)

2) Subject to easement granted by Standco Developers, Inc. to The New York Telephone Company recorded in liber 426 of deeds at page 1009. (Description is insufficient for graphical plotting)

3) Subject to agreement with the City of Batavia as recorded in liber 434 of Deeds at page 355.

4) Per Flood Insurance Rate Map 360279 0015 B (Town of Batavia) and Flood Insurance Rate Map 360279 0011 B (City of Batavia), subject premises is located in Flood Zone C (areas of minimal flooding).

5) Regional Boundary location shown hereon have been plotted by utilization of The National Wetlands Inventory on-line program of viewing Wetlands Data with Google Earth and are therefore to be considered as shown approximately only.

References:

1) Abstract of Title dated 7/24/2009 by Monroe-Genesee Country Title Agency, LLC (Abstract No. 58,362)

CERTIFIED TO:

1) M&T REALTY CAPITAL CORPORATION, ITS SUCCESSORS AND/OR ASSIGNS
2) FANNIE MAE
3) WUSCHMANN AIRUZZO LLP
4) MISCOCK & BARCLAY, LLP
5) WINNING MOVES LLC

LAND LINES SURVEYING P.C.
5181 JAMESVILLE TOL. ROAD
JAMESVILLE, NEW YORK 13078

I HEREBY CERTIFY THAT THIS IS A CORRECT SURVEY MADE FROM ACTUAL MEASUREMENTS.
LICENSED LAND SURVEYOR
LICENSE No. 50450

PARTLY IN THE CITY OF BATAVIA
PARTLY IN THE TOWN OF BATAVIA
COUNTY OF GENESEE
STATE OF NEW YORK
KNOWN AS 337-355 BANK STREET

DRAWN BY: CMK	DATE: 12/2/2009
SCALE: 1"=50'	DWG.No.: 091201

WALDEN CREEK DR
BANK ST
sign
NK ST
ROSS ST

City of Batavia
Department of Public Works
Bureau of Inspections
One Batavia City Center, Batavia, New York 14020 (585)-345-6345 (585)-345-1385 (fax)

To: Genesee County Planning
Planning and Development Committee

From: Doug Randall, Code Enforcement Officer

Date: 11/1/16

Re: 425A West Main (aka4125 West Main)
Tax Parcel No. 84.005-2-1

Zoning Use District: C-2

The applicant, Saed Shafie (sign contractor), has applied for approval to place one per side, three total, interior lit signs on the north, west and east elevations of the roof structure of this commercial building located within the General Commercial District.

Note: This is a type II action as defined by Environmental Conservation Law and is not subject to review under SEQR 6 NYCRR Part 617.5 (c) (1).

Review and Approval Procedures:

County Planning Board- Pursuant to General Municipal Law 239 m, referral to the County Planning Board is required since the property is within 500 feet of the **right of way of a state road or highway.**

City Planning and Development Committee- Pursuant to section 190-43 R The PDC shall approve or deny the issuance of Special Sign Permits.

BMC 190-43 H (4) Signs are not permitted on the roof of any building.

SEND OR DELIVER TO:
GENESEE COUNTY DEPARTMENT OF PLANNING
3837 West Main Street Road
Batavia, NY 14020-9404
Phone: (585) 344-2580 Ext. 5467

DEPARTMENT USE ONLY:
GCDP Referral # _____

* GENESEE COUNTY *
PLANNING BOARD REFERRAL

Required According to:
GENERAL MUNICIPAL LAW ARTICLE 12B, SECTION 239 L, M, N
(Please answer ALL questions as fully as possible)

1. REFERRING BOARD(S) INFORMATION

Board(s) Planning and Development Committee
Address One Batavia City Centre
City, State, Zip Batavia, NY 14020
Phone (585) 345 - 6347 Ext.

2. APPLICANT INFORMATION

Name Saed Shafie (sign contractor)
Address 3147 Delaware Ave.
City, State, Zip Kenmore, NY 14217
Phone (716) 240 - 9740 Ext. Email saed@buffalosignmaker.co

MUNICIPALITY: ☒ City ☐ Town ☐ Village of Batavia

3. TYPE OF REFERRAL: (Check all applicable items)

- ☐ Area Variance
- ☐ Use Variance
- ☐ Special Use Permit
- ☐ Site Plan Review
- ☐ Zoning Map Change
- ☐ Zoning Text Amendments
- ☐ Comprehensive Plan/Update
- ☒ Other: Special sign permits

Subdivision Proposal
- ☐ Preliminary
- ☐ Final

4. LOCATION OF THE REAL PROPERTY PERTAINING TO THIS REFERRAL:

A. Full Address 425A West Main (aka 4125 West Main St.)
B. Nearest intersecting road Lewiston Rd.
C. Tax Map Parcel Number 84.005-2-1
D. Total area of the property _____ Area of property to be disturbed _____
E. Present zoning district(s) C-2

5. REFERRAL CASE INFORMATION:

A. Has this referral been previously reviewed by the Genesee County Planning Board?

☒ NO ☐ YES If yes, give date and action taken _____

B. Special Use Permit and/or Variances refer to the following section(s) of the present zoning ordinance and/or law

BMC 190-43 R

C. Please describe the nature of this request Approval of three Special Sign Permits to place signs on the roof

6. ENCLOSURES – Please enclose copy(s) of all appropriate items in regard to this referral

- ☒ Local application
- ☐ Site plan
- ☐ Subdivision plot plans
- ☐ SEQR forms
- ☐ Zoning text/map amendments
- ☐ Location map or tax maps
- ☐ Elevation drawings
- ☐ Agricultural data statement
- ☐ New or updated comprehensive plan
- ☒ Photos
- ☒ Other: Cover letter

If possible, please provide a reduced version or digital copy of any supporting documentation larger than 11 x 17. Email to planning@co.genesee.ny.us

7. CONTACT INFORMATION of the person representing the community in filling out this form (required information)

Name Douglas Randall Title Code Enf. Officer Phone (585) 345 - 6327 Ext.
Address, City, State, Zip One Batavia City Centre, Batavia, NY 14020 Email drandall@batavianewyork.com

Permit No.:_____
Date:_____
Zone: C-2
84.005-2-1

SIGN PERMIT APPLICATION
City of Batavia
One Batavia City Centre, Batavia, NY 14020
(585) 345-6345 • Fax (585) 345-1385

APPLICANT/OWNER: Buffalo Sign Makers — Name
Sgeck@buffalosignmaker.com — E-mail Address
3147 Delaware Ave — Street Address
716 240 9740 — Phone / Fax
Kenmore NY 14217 — City, State, Zip Code

ADDRESS OF SIGN: ~~4152~~ 425 A. West Main Street Road - Front Elevation

AREA OF SIGN: Length 1'6" Width 9'11" Area 15 sq ft

TYPE OF SIGN:

1. **All sign applications must have an illustration of the sign with its dimensions and copy.**
2. **Freestanding signs must have a Sit Plan to show the sign's location on the property.**
3. **All other signs must include an elevation plan to show the sign's placement on the building.**

☐ Freestanding	Set Back _____	Height _____	
☑ Wall	Wall Length 39'	Wall Height 9'	Area 351 sq ft
☐ Projecting			
☐ Marquee			
☐ Awning / Canopy	Length _____	Height _____	Area _____
☐ Window	Window Length _____	Window Height _____	Area _____
☐ Portable			

52.65 sq. Permitted
15 Prop.
ok if on wall

Lighting: ☑ Internal ☐ External

Existing Signs (Please list all existing signs with dimensions):
~~None~~ Existing Sign will be Removed

Applicant's Signature Scott [signature] **Date** 10-27-16

Issuing Officer _____ **Date** _____

Planning Board Chairperson _____ **Date** _____

FEES: _____ **$25 Sign Permit** ✓ **$50 Special Sign Permit** (Roof Sign) _____ **$10 Portable Sign**

Design Proof & Approval Form

☐ Approved: Proceed to production
Signed: _____ Date: _____

☐ Changes to artwork. See notes and revise.

Front Elevation

BUFFALO SIGNMAKERS
3147 Delaware Ave
Kenmore, NY 14217
(716) 240-9740

Customer:
Metro PCS

Job Location:
Batavia

Date:
10-25-16

Code:
5421

Designer:
AEW

Description:

INDIVIDUAL LIGHTED CHANNEL LETTERS - RACEWAY

SCOPE OF WORK:
MANUFACTURE, SHIP & INSTALL ONE (1) SET OF INTERNALLY ILLUMINATED PLEX-FACED CHANNEL LETTERS.
ALUMINUM CHANNEL LETTERS TO HAVE WHITE RETURNS AND TRIMCAP, W/ #2447 WHITE ACRYLIC FACES
W/ VINYL APPLIED TO FIRST SURFACE. "METRO" TO HAVE ARLON 5590-3412 PURPLE PERFORATED VINYL (DAY/NIGHT) APPLIED.
"PCS" TO HAVE ARLON 5590-3411 ORANGE PERFORATED VINYL (DAY/NIGHT) APPLIED.
LETTERS TO BE INTERNALLY ILLUMINATED W/ SLOAN VL PLUS WHITE SHORT L.E.D.'S.
LETTERS ARE MOUNTED TO RACEWAY, PAINTED TO MATCH COLOR OF BLDG.

***Propery of Buffalo Signmakers**
© 2016 all rights reserved

Design Proof & Approval Form

☐ Approved: Proceed to production
Signed: _____ Date: _____

☐ Changes to artwork. See notes and revise.

Before - Front Elevation

BUFFALO SIGNMAKERS
3147 Delaware Ave
Kenmore, NY 14217
(716) 240-9740

Customer:
Metro PCS

Job Location:
Batavia

Date:
10-25-16

Code:
5421

Designer:
AEW

Description:

*Propery of Buffalo Signmakers
© 2016 all rights reserved

Permit No.:_____
Date:_____
Zone: C-2

SIGN PERMIT APPLICATION
City of Batavia

One Batavia City Centre, Batavia, NY 14020
(585) 345-6345 • Fax (585) 345-1385

APPLICANT/OWNER: Buffalo Sign Makers — Name
Saed@buffalosignmakers.com — E-mail Address
3147 Delaware Ave — Street Address
716 240-9740 — Phone / Fax
Kenmore NY 14217 — City, State, Zip Code

ADDRESS OF SIGN: 4152 West Main Street Road (425A.) West Elevation

AREA OF SIGN: Length 3 Width 8 Area 24 sqft

TYPE OF SIGN:

1. **All sign applications must have an illustration of the sign with its dimensions and copy.**
2. **Freestanding signs must have a Sit Plan to show the sign's location on the property.**
3. **All other signs must include an elevation plan to show the sign's placement on the building.**

☐ Freestanding	Set Back _____	Height _____	
☒ Wall	Wall Length 31'	Wall Height 9'	Area 279 sq ft
☐ Projecting			
☐ Marquee			
☐ Awning / Canopy	Length _____	Height _____	Area _____
☐ Window	Window Length _____	Window Height _____	Area _____
☐ Portable			

Lighting: ☒ Internal ☐ External

Existing Signs (Please list all existing signs with dimensions):

None

Applicant's Signature [signature] **Date** 10-27-16

Issuing Officer _____ **Date** _____

Planning Board Chairperson _____ **Date** _____

FEES: _____ **$25 Sign Permit** ✓ **$50 Special Sign Permit** _____ **$10 Portable Sign**

(Roof Sign)

Design Proof & Approval Form

☐ Approved: Proceed to production
Signed: _____ Date: _____

☐ Changes to artwork. See notes and revise.

West Elevation

BUFFALO SIGNMAKERS
3147 Delaware Ave
Kenmore, NY 14217
(716) 240-9740

Customer:
Metro PCS

Job Location:
Batavia

Date:
10-25-16

Code:
5421

Designer:
AEW

Description:
SCOPE OF WORK:
MANUFACTURE, SHIP & INSTALL ONE (1) S/F ALUMINUM WALL SIGN CABINET

SIGN IS INTERNALLY ILLUMINATED.

FACE TO BE #2447 FLAT WHITE ACRYLIC, W/ VINYL GRAPHICS ON FIRST SURFACE.

*Propery of Buffalo Signmakers
© 2016 all rights reserved

Permit No.: _____
Date: _____
Zone: C-2

SIGN PERMIT APPLICATION
City of Batavia

One Batavia City Centre, Batavia, NY 14020
(585) 345-6345 • Fax (585) 345-1385

APPLICANT/OWNER: Buffalo SignMakers — Name
Saed@buffalosignmaker — E-mail Address
3147 Delaware Ave — Street Address
716 240 9740 — Phone / Fax
Kenmore NY 14217 — City, State, Zip Code

ADDRESS OF SIGN: ~~4152~~ 425 A. West Main Street Road -- EAST Elevation

AREA OF SIGN: Length 3 Width 8 Area 24 sq ft

TYPE OF SIGN:

1. **All sign applications must have an illustration of the sign with its dimensions and copy.**
2. **Freestanding signs must have a Sit Plan to show the sign's location on the property.**
3. **All other signs must include an elevation plan to show the sign's placement on the building.**

☐ Freestanding	Set Back _____	Height _____	
☑ Wall	Wall Length 31'	Wall Height 9'	Area 279 Sq FT
☐ Projecting			
☐ Marquee			
☐ Awning / Canopy	Length _____	Height _____	Area _____
☐ Window	Window Length _____	Window Height _____	Area _____
☐ Portable			

41.85sq' permitted
24 Prop.

Lighting: ☑ Internal ☐ External

Existing Signs (Please list all existing signs with dimensions):
None

Applicant's Signature Saed A — **Date** 10-27-16

Issuing Officer _____ **Date** _____

Planning Board Chairperson _____ **Date** _____

FEES: _____ **$25 Sign Permit** ✓ **$50 Special Sign Permit** (Roof sign) _____ **$10 Portable Sign**

Design Proof & Approval Form

☐ Approved: Proceed to production
Signed: _____ Date: _____

☐ Changes to artwork. See notes and revise.

East Elevation

BUFFALO SIGNMAKERS
3147 Delaware Ave
Kenmore, NY 14217
(716) 240-9740

Customer:
Metro PCS

Job Location:
Batavia

Date:
10-25-16

Code:
5421

Designer:
AEW

Description:

SCOPE OF WORK:
MANUFACTURE, SHIP & INSTALL ONE (1) S/F ALUMINUM WALL SIGN CABINET

SIGN IS INTERNALLY ILLUMINATED.

FACE TO BE #2447 FLAT WHITE ACRYLIC, W/ VINYL GRAPHICS ON FIRST SURFACE.

***Propery of Buffalo Signmakers**
© 2016 all rights reserved

JO-ANN FABRICS
425A
SWISTON RD

City of Batavia
Department of Public Works
Bureau of Inspections
One Batavia City Center, Batavia, New York 14020 (585)-345-6345 (585)-345-1385 (fax)

To: Genesee County Planning
Planning and Development Committee

From: Doug Randall, Code Enforcement Officer

Date: 11/1/16

Re: **109-111 Main St.**
Tax Parcel No. **84.049-1-25**

Zoning Use District: **C-3**

The applicant, Matthew Moscati, RA (architect for the owner), has applied for a "Restricted Residential Use" Special Use Permit to create seven dwelling units above the first floor in this existing commercial use building being repurposed for use as a mixed use building containing a brewery, restaurant, and fresh lab concession space on the first floor.

Review and Approval Procedures:

County Planning Board- Pursuant to General Municipal Law 239 m, referral to the County Planning Board is required since the property is within 500 feet of **the right of way of a state road or highway.**

City Planning and Development Committee- Pursuant to section 190-37 of the zoning ordinance, the Planning and Development Committee may authorize issuance of Special Use Permits. Also, BMC 190-14 D. (2)(a) Applications involving exterior changes that require the issuance of a building permit shall be reviewed by the PDC.

BMC 190-37 Restricted residential uses shall be permitted in C-3 (Central Commercial District) with compliance of the provisions of 190-37 I (1-9) and 190-37 K (1-14), see attached.

On 10/26/16 Batavia Development Corporation declared its intent to serve as lead agency to conduct SEQR. Part one and two of the short EAF with be provide prior to commencement of the 11/15/16 PDC meeting.

SEND OR DELIVER TO:
GENESEE COUNTY DEPARTMENT OF PLANNING
3837 West Main Street Road
Batavia, NY 14020-9404
Phone: (585) 344-2580 Ext. 5467

DEPARTMENT USE ONLY:
GCDP Referral # _____

* GENESEE COUNTY * PLANNING BOARD REFERRAL

Required According to:
GENERAL MUNICIPAL LAW ARTICLE 12B, SECTION 239 L, M, N
(Please answer ALL questions as fully as possible)

1. REFERRING BOARD(S) INFORMATION

Board(s) Planning and Development Committee
Address One Batavia City Centre
City, State, Zip Batavia, NY 14020
Phone (585) 345 - 6347 Ext.

2. APPLICANT INFORMATION

Name Matthew Moscati, RA
Address TRM Architect 448 Delaware Ave.
City, State, Zip Buffalo, NY 14020
Phone (716) 883 - 3516 Ext. Email m.moscati@trmarchitect.co

MUNICIPALITY: ☒ City ☐ Town ☐ Village of Batavia

3. TYPE OF REFERRAL: (Check all applicable items)

- ☐ Area Variance
- ☐ Use Variance
- ☒ Special Use Permit
- ☐ Site Plan Review
- ☐ Zoning Map Change
- ☐ Zoning Text Amendments
- ☐ Comprehensive Plan/Update
- ☐ Other: _____
- Subdivision Proposal
  - ☐ Preliminary
  - ☐ Final

4. LOCATION OF THE REAL PROPERTY PERTAINING TO THIS REFERRAL:

A. Full Address 109-111 Main St.
B. Nearest intersecting road Center St.
C. Tax Map Parcel Number 84.049-1-25
D. Total area of the property _____ Area of property to be disturbed _____
E. Present zoning district(s) C-3

5. REFERRAL CASE INFORMATION:

A. Has this referral been previously reviewed by the Genesee County Planning Board?
☒ NO ☐ YES If yes, give date and action taken _____

B. Special Use Permit and/or Variances refer to the following section(s) of the present zoning ordinance and/or law
BMC 190-37 I (1-9) and 190-37 K (1-14)

C. Please describe the nature of this request Approval of a Special Use Permit to construct seven "Restricted Residential Use" dwelling units above the first floor of this commercial building located within the Business Improve District.

6. ENCLOSURES – Please enclose copy(s) of all appropriate items in regard to this referral

- ☒ Local application
- ☐ Site plan
- ☐ Subdivision plot plans
- ☒ SEQR forms
- ☐ Zoning text/map amendments
- ☒ Location map or tax maps
- ☒ Elevation drawings
- ☐ Agricultural data statement
- ☐ New or updated comprehensive plan
- ☒ Photos
- ☒ Other: Cover letter

If possible, please provide a reduced version or digital copy of any supporting documentation larger than 11 x 17. Email to planning@co.genesee.ny.us

7. CONTACT INFORMATION of the person representing the community in filling out this form (required information)

Name Douglas Randall Title Code Enf. Officer Phone (585) 345 - 6327 Ext.
Address, City, State, Zip One Batavia City Centre, Batavia, NY 14020 Email drandall@batavianewyork.com

PERMIT NO. 16-01

PAID
NOV - 8 2016
CITY OF BATAVIA
CLERK-TREASURER

SPECIAL USE PERMIT

CITY OF BATAVIA, NEW YORK

LOCATION: Newberry Brewery 109 & 111 Main Street, Batavia, NY 14020
OWNER: Matt Gray, ARGV Inv.
Address: 3822 Park Road, Batavia, NY 14020

Application Date: 10/27/2016
Tax Parcel No.: 84.049-1-25 2016 Genesee County GIS
Phone No. (919) 889-3371 - M. Gray
(716) 883-3516 - TRM Architect

Yes COUNTY PLANNING REVIEW
C-3 ZONING DISTRICT
No FLOOD ZONE
No CORNER LOT
No SITE PLAN REVIEW
Yes BID

No ZONING VARIANCE REQUIRED
No HISTORIC DISTRICT
Yes HISTORIC LANDMARK
No CITY ENGINEER REVIEW
No CITY COUNCIL REVIEW
____ OTHER

PROJECT DESCRIPTION:
The proposed work scope includes the provisions for the renovation of the 28,000 sf existing facility for the installation of a new basement level brewery (Newberry) and first floor hospitality spaces. The projects proposed use for the renovated 2nd & 3rd floors consist of (4) four second floor and (3) three third floor one & two bedroom apartments.

EXISTING USE: CC - Central Commercial

N.Y.S. BLDG. CODE OCC. CLASS: Existing Historic M - Mercantile

LOT SIZE: 0.24 acres

PROPOSED USE: Basement & First Floor - No Change Second & Third Floor - Residential

N.Y.S. BLDG. CODE OCC. CLASS: Basement & 1st Flr - A-2 2nd & 3rd Flrs - R-2

LOT AREA: +- 10,200 sf

CITY PLANNING & DEVELOPMENT REVIEW:

____APPROVAL AS PRESENTED ____DISAPPROVAL____APPROVAL WITH CONDITIONS

CHAIRMAN SIGNATURE:_____ DATE:_____

Applicant Signature 27 Oct 16 Date

Issuing Officer

Permit Fee: $100.-

Issue Date:_____

CITY OF BATAVIA BUILDING PERMIT APPLICATION

DATE: 27 OCT 2016

APPLICANT NAME & PHONE: Matthew Moscati, AIA - TRM Architect (716) 883-3516

Project Location and Information Permit #:_____ Fee:_____

Address of Project: 109 & 111 Main Street, Batavia NY 14020

Owner & Address: Matt Gray, ARGV Inc.

Phone: (919) 889-3371

Project Type/Describe Work

Estimated cost of work: $1,500,000 Start date: 1/1/2017

Describe project:

The proposed work scope includes the provisions for the renovation of the 28,000 sf existing facility for the installation of a new basement level brewery (Newberry), a first floor restaurant, and two fresh lab concessions spaces. The projects proposed use for the renovated 2nd & 3rd floors include the requested special use permit for the installation of (4) four second floor and (3) three third floor one & two bedroom apartments.

Contractor Information – Insurance certificates (liability & workers comp) required to be on file

GENERAL

Name/Address: TBD

Phone:

PLUMBING **(City of Batavia Licensed Plumber Required)**

Name/Address: TBD

Phone:

HEATING

Name/Address: TBD

Phone:

ELECTRICAL **(Third Party Electrical Inspection Required)**

Name/Address: TBD

Phone:

FOR OFFICE USE ONLY

Zoning District:_____ Flood Zone:_____ Corner Lot:_____ Historic District/Landmark:_____

Zoning Review:_____ Variance Required:_____ Site Plan Review:_____ Other:_____

National Grid Sign Off (Pools):_____ Lot Size:_____

Existing Use:_____ NYS Building Code Occupancy Class:_____

Proposed Use:_____ NYS Building Code Occupancy Class:_____

BATAVIA DEVELOPMENT CORPORATION
SEQR RESOLUTION – INTENT TO DECLARE LEAD AGENCY STATUS

RESOLVED, that in accordance with the New York State Environmental Quality Review (SEQR) regulations, the Batavia Development Corporation (BDC) hereby announces its intent to serve as Lead Agency to conduct an environmental review of the Newberry Building Renovation project;

BE IT FURTHER RESOLVED, that the BDC hereby accepts Part I of the Environmental Assessment of this project, prepared by LaBella Associates, and

BE IT FURTHER RESOLVED, the BDC will contact all Involved Agencies of its intention to act as Lead Agency for this project and that the BDC is the appropriate organization to serve as Lead Agency.

DATE: October 26, 2016

MOTION: Barb Shine
2nd: Pier Cipollone
VOTE: Carried (B Shine, P Cipollone, S Boyce-Ott, P Casey, R Chaya, J Sackett and K Ferrara)

NEW YORK STATE OF OPPORTUNITY. | Homes and Community Renewal

ANDREW M. CUOMO
Governor

JAMES S. RUBIN
Commissioner/CEO

October 28, 2016

VIA ELECTRONIC MAIL
Ms. Julie Pacatte
Batavia Development Corp.
One Batavia City Centre
Batavia, NY 14020

Re: Request for Lead Agency Status
Name of Action: Newberry Building Renovation, 109-111 Main Street, Batavia

Dear Ms. Pacatte:

Enclosed you will find the signed copy of the lead agency consent form for the proposed Newberry Building project. The following is a list of environmental issues that remain outstanding from HCR's perspective:

- The project sponsor is required to submit a copy of a final impact determination letter from the NYS Office of Parks, Recreation and Historic Preservation and Parts I & II from the National Park Service;
- The project sponsor must demonstrate the site is, or will through mitigation, be free of hazardous materials, contamination, toxic chemicals and gases, and radioactive substances which could affect the health and safety of occupants or conflict with the intended utilization of the property.

If you have any questions, please contact me at (518) 486-3379 or heather.spitzberg@nyshcr.org.

Sincerely,

Heather Spitzberg

Heather Spitzberg, Esq.
HTFC & HFA SEQR Officer

cc: Crystal Loffler, Program Director, HCR Office of Community Renewal

Attachment

NEWBERRY BUILDING RENOVATION PROJECT
New York Main Street Anchor Building Grant

BATAVIA DEVELOPMENT CORPORATION
RESPONSE FORM - SEQR LEAD AGENCY COORDINATION REQUEST

✓ This agency has no objection to the Batavia Development Corporation serving as the Lead Agency for this action.

_____ This agency wishes to serve as Lead Agency for this action.

_____ Other (see comments below).

Comments:

See attached

NYS Homes & Community Renewal
Agency

Heather Goldberg
Signature

Director, Environmental Analysis Unit
Title

10/28/16
Date

Please return by November 10th:

Via Mail: Julie Pacatte
Batavia Development Corporation
One Batavia City Centre
Batavia, NY 14020

ViaEmail: jpacatte@bataviadevelopmentcorp.org

Via Fax: 585-343-8182

Each Agency has 30 days to respond.

NEW YORK
STATE OF
OPPORTUNITY

Parks, Recreation, and Historic Preservation

ANDREW M. CUOMO
Governor

ROSE HARVEY
Commissioner

September 02, 2016

Mr. Edward Flynn
300 State Street
Suite 201
Rochester, NY 14020

Re: HTFMS
Newberry Brewery: Renovation
111 Main Street, Batavia, NY 14020
16PR05970

Dear Mr. Flynn:

Thank you for requesting the comments of the Division for Historic Preservation of the Office of Parks, Recreation and Historic Preservation (OPRHP). We have reviewed the submitted materials in accordance with the New York State Historic Preservation Act of 1980 (section 14.09 of the New York Parks, Recreation and Historic Preservation Law). These comments are those of the Division for Historic Preservation and relate only to Historic/Cultural resources. They do not include potential environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8) and its implementing regulations (6NYCRR Part 617).

The building is eligible for listing in the National Register. Because of this, we will review the project for its potential impact on the building. We understand that the owner is pursuing the federal historic preservation tax credit for this project. The project received a Part 1 approval from the National Park Service in April 2016 according to our records. Before we can complete our review, we will need to send Part 2 to the National Park Service and coordinate our review with theirs. Please submit Part 2 to our office as soon as it is available. If you have any questions about this process, please let me know.

If I can be of further assistance, please contact me at 518-268-2158.

Sincerely,

Sloane Bullough

Sloane Bullough
Historic Sites Restoration Coordinator

via e-mail only

NEWBERRY BUILDING RENOVATION PROJECT
New York Main Street Anchor Building Grant

BATAVIA DEVELOPMENT CORPORATION
RESPONSE FORM - SEQR LEAD AGENCY COORDINATION REQUEST

X This agency has no objection to the Batavia Development Corporation serving as the Lead Agency for this action.

_____ This agency wishes to serve as Lead Agency for this action.

_____ Other (see comments below).

Comments:

Please keep us informed of the SEQR process as we remain an interested agency.

Douglas Randall, CEO for City of Batavia Planning and Dev. Committee
Agency

Signature

Code Enforcement Officer
Title

10/27/16
Date

Please return by November 10th:

Via Mail: Julie Pacatte
Batavia Development Corporation
One Batavia City Centre
Batavia, NY 14020

ViaEmail: jpacatte@bataviadevelopmentcorp.org

Via Fax: 585-343-8182

Each Agency has 30 days to respond.

GENESEE COUNTY DEPARTMENT OF PLANNING

Felipe A. Oltramari AICP CNUa – Director
Derik A. Kane CNUa – Senior Planner
Erin M. Pence – GIS Analyst
Laraine Caton – Planning Board Chairperson

BATAVIA DEVELOPMENT CORPORATION
RESPONSE FORM - SEQR LEAD AGENCY COORDINATION REQUEST

Name of Interested Agency: Genesee County Department of Planning
Address: 3837 West Main St. Rd.
Batavia, NY 14020

Title of Action: Newberry Building Renovation Project
New York Main Street Anchor Building Grant

(X) This agency has no objection to the Batavia Development Corporation serving as the Lead Agency Status for this action.

( ) This agency wishes to assume Lead Agency Status for this action.

(____) Other (see comments below).

Comments:

Felipe A. Oltramari

Signature | Director of Planning (Title) | October 27, 2016 (Date)

Please return by November 10th:

Via Mail: Julie Pacatte
Batavia Development Corporation
One Batavia City Centre
Batavia, NY 14020

Via Email: jpacatte@bataviadevelopmentcorp.org

Via Fax: 585-343-8182

Each Agency has 30 days to respond.

Short Environmental Assessment Form
Part 1 - Project Information

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information

Name of Action or Project:
Newberry ~~Brewery~~ Anchor Building Renovation Project

Project Location (describe, and attach a location map):
109-111 Main Street, Batavia, NY 14020 (see attached USGS Map)

Brief Description of Proposed Action:
The Batavia Development Corporation was awarded a $500,000 New York Main Street Anchor grant to assist a developer repurpose a historic 3-story downtown building into a mixed use property. The project (proposed action) at 109-111 Main Street involves the renovation of the 10,300 sq. ft. 1st floor from a vacant retail store into a brewery restaurant, bar, lounge, and restaurant incubator. The project also involves the renovation of a total of 9,900 sq. ft. 2nd and 3rd floor vacant office and storage space into seven market rate apartments. Renovations include HVAC, plumbing, fire protection, electrical, structural, and architectural work to floors 1 through 3 and the roof, as well as facade work. The developer is applying for Historic Preservation Tax Credits; therefore designs will have to be approved by the National Parks Service. The project will require site plan approval and a special use permit (for the apartments).

Name of Applicant or Sponsor:	Telephone: 585-345-6380
Batavia Development Corp.; Contact: Julie Pacatte, Economic Dev. Coordinator	E-Mail: jpacatte@bataviadevelopmentcorp.org

Address:
One Batavia City Centre

City/PO:	State:	Zip Code:
Batavia	NY	14020

	NO	YES
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.	☑	☐
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: Batavia Planning and Development Committee: site plan review & special use permit; Batavia Code Enforcement: building permit; National Parks Service: approval and tax credits; SHPO: approval; NYSHCR: NY Main Street funding	☐	☑

3.a. Total acreage of the site of the proposed action? 0.24 acres
b. Total acreage to be physically disturbed? 0.0 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 0.24 acres

There will be no ground disturbance as a result of this project.

4. Check all land uses that occur on, adjoining and near the proposed action.
☑ Urban ☐ Rural (non-agriculture) ☐ Industrial ☑ Commercial ☐ Residential (suburban)
☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____
☐ Parkland

	NO	YES	N/A
5. Is the proposed action,			
a. A permitted use under the zoning regulations?	☐	☑	☐
b. Consistent with the adopted comprehensive plan?	☐	☑	☐
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO ☐	YES ☑	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO ☑	YES ☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO ☑	YES ☐	
b. Are public transportation service(s) available at or near the site of the proposed action?	☐	☑	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	☐	☑	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO ☐	YES ☑	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO ☐	YES ☑	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO ☐	YES ☑	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places? The National Park Service and SHPO are reviewing the project together. SHPO will provide a No Effect letter once NPS approves the final design (see attached correspondence).	NO ☑	YES ☐	
b. Is the proposed action located in an archeological sensitive area?	☐	☑	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO ☑	YES ☐	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	☑	☐	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: ☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☑ Urban ☐ Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO ☑	YES ☐	
16. Is the project site located in the 100 year flood plain?	NO ☑	YES ☐	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES	
a. Will storm water discharges flow to adjacent properties? ☐ NO ☐ YES	☑	☐	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: ☐ NO ☐ YES _____			

	NO	YES
18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size:	✔	☐
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	✔	☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: Several remediation sites are located within 2,000 feet of the project site; however, they are all relatively far away and downhill from the project site (see details below).	☐	✔

I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor name: Julie Pacatte/Eco. Dev. Coordinator, Batavia Dev. Corp Date: 10/28/2014

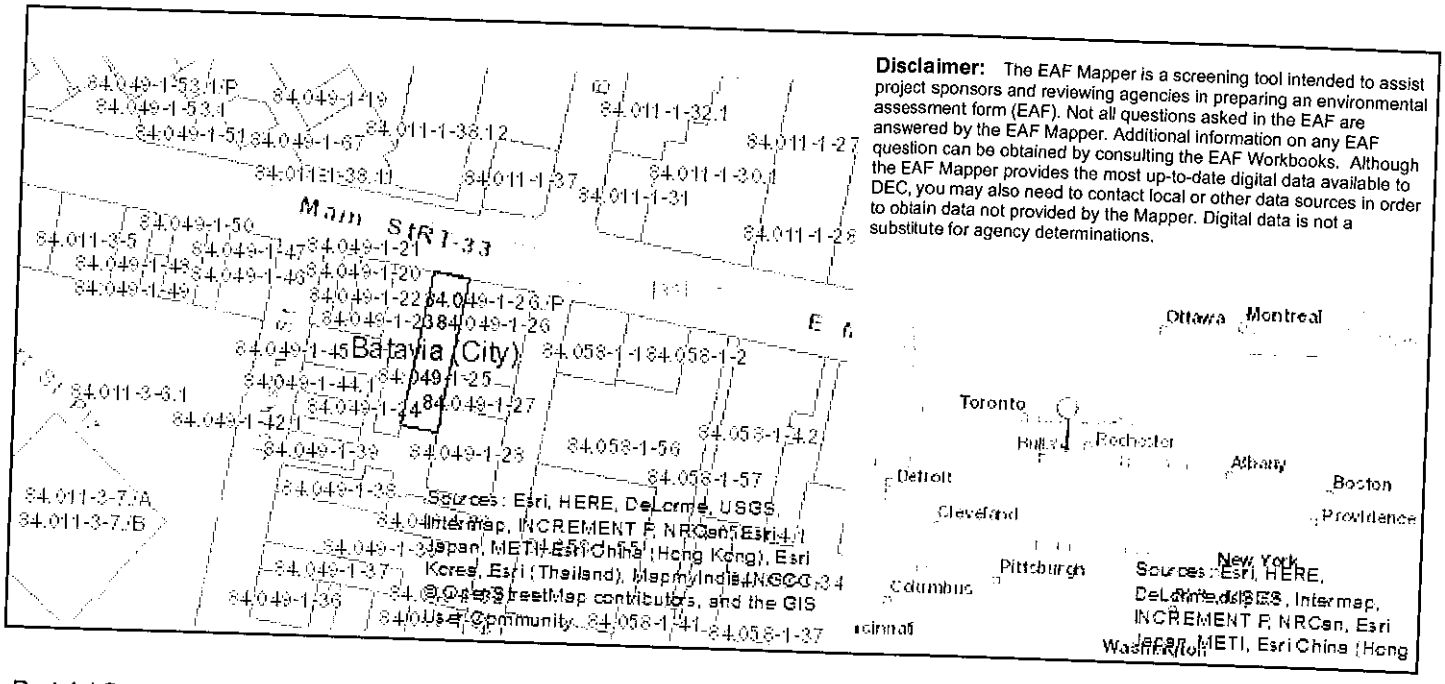
Signature:

Site Code	Site Name	Program	Site Class	Address	From Project Site
C819021	Ellicott Station	BCP	A	40-52 Ellicott St	700 ft southwest
819006	US Chrome Corp.	HW	04	31 Swan St	1,900 ft southeast
819016	Evans Street	HW	N	60 Evans St	1,900 ft southwest
819019	Batavia Former MGP	HW	02	7 Evans St	800 ft southwest

PRINT FORM

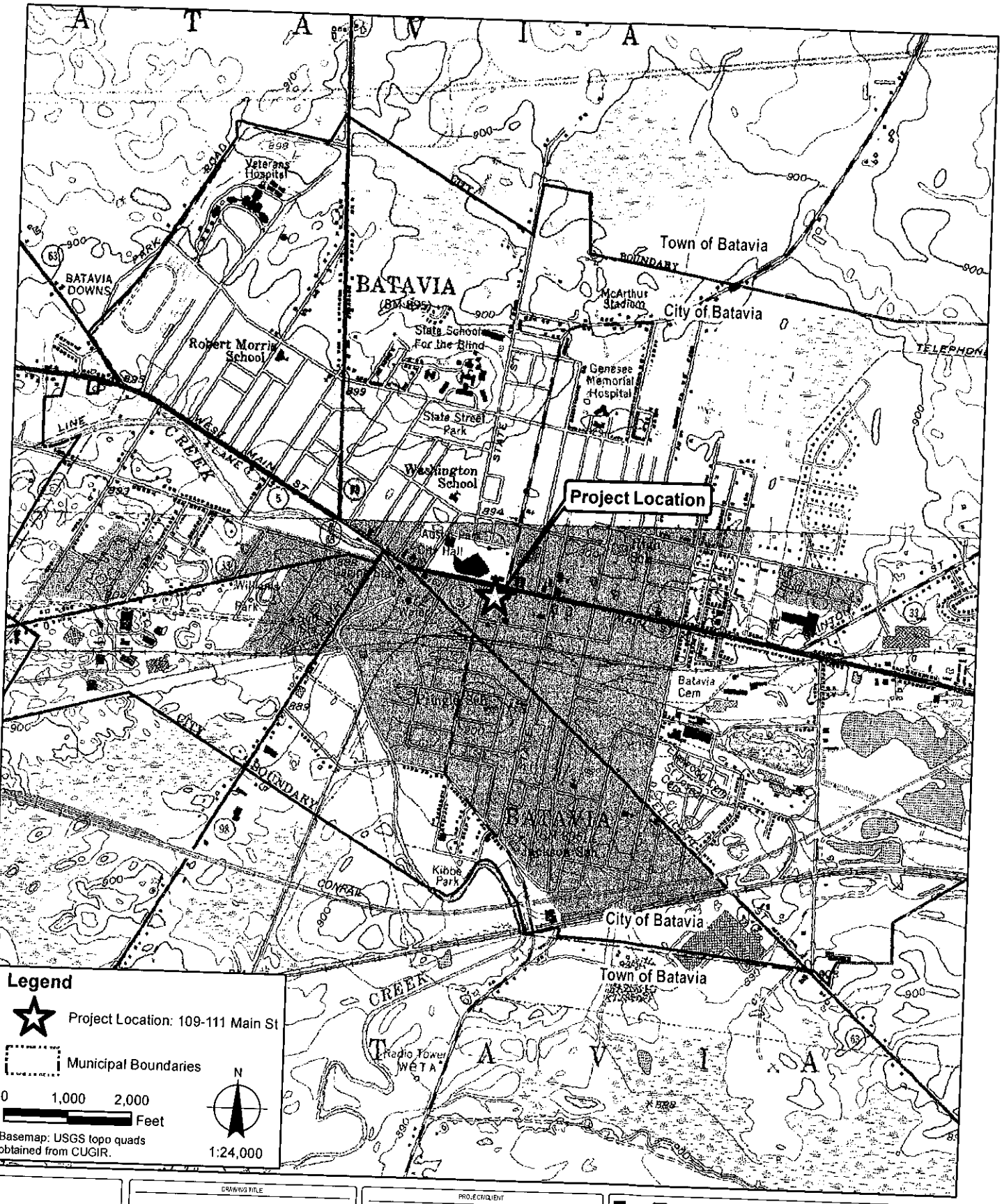
EAF Mapper Summary Report

Tuesday, October 25, 2016 1:37 PM



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.

Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National Register of Historic Places]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	No
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
Part 1 / Question 20 [Remediation Site]	Yes



Path: I:\Batavia Development Corp\2160677 - 2015 NY Main St Grant Administration\Environ SEQR NEPA\Maps\USGS.mxd

PROJECT/DRAWING NUMBER

2160677

FIGURE 1

DRAWING TITLE

USGS LOCATION MAP
BATAVIA SOUTH QUAD

ISSUED FOR: REVIEW

DATE: OCTOBER 2016

DESIGNED BY: RCN
DRAWN BY: KMVB
REVIEWED BY: EF

PROJECT/CLIENT

NEWBERRY BREWERY

BATAVIA DEVELOPMENT CORPORATION

LABELLA Associates, D.P.C.
300 STATE STREET
ROCHESTER, NY 14614
P: (585) 454-6110
F: (585) 454-3066
www.labellapc.com

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NEW YORK
STATE OF
OPPORTUNITY

Parks, Recreation, and Historic Preservation

ANDREW M. CUOMO
Governor

ROSE HARVEY
Commissioner

September 02, 2016

Mr. Edward Flynn
300 State Street
Suite 201
Rochester, NY 14020

Re: HTFMS
Newberry Brewery: Renovation
111 Main Street, Batavia, NY 14020
16PR05970

Dear Mr. Flynn:

Thank you for requesting the comments of the Division for Historic Preservation of the Office of Parks, Recreation and Historic Preservation (OPRHP). We have reviewed the submitted materials in accordance with the New York State Historic Preservation Act of 1980 (section 14.09 of the New York Parks, Recreation and Historic Preservation Law). These comments are those of the Division for Historic Preservation and relate only to Historic/Cultural resources. They do not include potential environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8) and its implementing regulations (6NYCRR Part 617).

The building is eligible for listing in the National Register. Because of this, we will review the project for its potential impact on the building. We understand that the owner is pursuing the federal historic preservation tax credit for this project. The project received a Part 1 approval from the National Park Service in April 2016 according to our records. Before we can complete our review, we will need to send Part 2 to the National Park Service and coordinate our review with theirs. Please submit Part 2 to our office as soon as it is available. If you have any questions about this process, please let me know.

If I can be of further assistance, please contact me at 518-268-2158.

Sincerely,

Sloane Bullough

Sloane Bullough
Historic Sites Restoration Coordinator

via e-mail only

Agency Use Only [If applicable]

Project:

Date:

Short Environmental Assessment Form
Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.
Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	✔	☐
2. Will the proposed action result in a change in the use or intensity of use of land?	✔	☐
3. Will the proposed action impair the character or quality of the existing community?	✔	☐
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	✔	☐
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	✔	☐
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	✔	☐
7. Will the proposed action impact existing: a. public / private water supplies?	✔	☐
b. public / private wastewater treatment utilities?	✔	☐
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	✔	☐
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	✔	☐
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	✔	☐
11. Will the proposed action create a hazard to environmental resources or human health?	✔	☐

PRINT FORM

Agency Use Only [If applicable]

Project:

Date:

Short Environmental Assessment Form
Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

☑ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Batavia Development Corporation	11/7/2016
Name of Lead Agency	Date
Ramon Chaya	President
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Ramon Chaya	
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT FORM

City of Batavia, NY
Tuesday, November 1, 2016

Chapter 190. Zoning

Article IX. Supplementary Regulations

§ 190-37. Special use permits.

[Amended 11-9-1998]
The following uses may be permitted provided a special use permit is authorized by the Planning and Development Committee under the terms and specifications herein. The necessity for certain specific uses is recognized. At the same time they, or any of them, may be or become inimical to the public health, safety and general welfare of the community if located without consideration to the existing conditions and surroundings. Special use permits authorize a particular land use that is permitted by the provisions of this chapter, but may require additional conditions to assure that the proposed use is in harmony with this chapter and will not adversely affect the neighborhood conditions. The following standards and proceedings are hereby established which are intended to provide the Planning and Development Committee with a guide for the purpose of reviewing certain uses not otherwise permitted in this chapter.

A. Municipal or public utility structures. Municipal or public utility structures or facilities may be permitted by special use permit in residential and commercial zoning districts provided that:

(1) The proposed installation in a specific location is necessary and convenient for the efficiency of the public utility system or the satisfactory and convenient provision of service by the utility to the neighborhood or area in which the particular use is to be located.

(2) The design of any building in connection with such facility conforms to the general character of the area and will not adversely affect the safe and comfortable enjoyment of property rights of the district in which it is located.

(3) Adequate and attractive fences and other safety devices will be provided.

(4) A buffer strip 10 feet in width shall be provided around the perimeter of the property.

(5) Adequate off-street parking shall be provided.

(6) All of the area, yard and building coverage requirements of the respective zoning district will be met.

B. Professional offices. Professional offices for attorneys, physicians and/or dentists may be permitted by special use permit in the R-3 Residential District, provided that:

(1) A minimum area of 10,000 square feet with 75 feet of frontage shall be provided.

(2) Not more than 30% of the lot shall be covered by building area.

(3) A minimum of 35 feet for rear and front yards and a minimum of 12 feet for one side yard and a total of 25 feet for both side yards shall be required for all new construction.

(4) On an existing structure which is connected and providing no additions are required, the City Council shall determine that the proposed use and structure will not be detrimental to adjoining properties.

(5) Off-street parking shall be provided at a rate of one space per 150 square feet of floor area or fraction thereof. No parking shall be permitted within any portion of the front yard.

(6) Where a parking area for four or more cars adjoins a residential property, a planted buffer strip at least 10 feet wide shall be provided between the parking area and the adjoining property.

(7) No more than four physicians or dentists shall occupy one building.

(8) If the proposed use is to be located in a residential building, the residential facade shall be maintained.

C. High-rise apartments. High-rise apartments may be permitted by special use permit in the R-3 Residential, C-1 Limited Commercial and C-2 General Commercial Districts, provided that:

(1) Detailed plot plans, showing parking, building location, buffer areas, etc., shall be submitted.

(2) No structure shall contain more than one dwelling unit per 650 square feet of lot area. For structures which exceed eight stories in height, the minimum lot area per dwelling unit shall not exceed 800 square feet.

(3) The minimum lot width shall be 150 feet.

(4) All yards shall have a minimum depth equal to not less than 1/2 the height of the tallest building but in no case shall the required yard areas be less than 35 feet.

(5) No apartment unit shall have less than 396 square feet of gross living area.

(6) Parking may be provided in any yard area but the front yard and shall be in the ratio as approved by the City Council.

(7) Not more than 40% of the lot area shall be covered by building area.

(8) Each building shall be provided with at least one passenger elevator and one service/passenger elevator.

(9) One project identification sign shall be permitted which shall not exceed 25 square feet in area and shall be situated not less than 10 feet within the property lines. The sign may include only the name of the project, the street address, and the presence or lack of vacancies.

D. Cleaning establishments. Cleaning establishments may be permitted by special use permit in the C-2 General Commercial and Industrial Districts, provided that:

(1) It shall be determined that the proposed use is compatible in the adjoining land uses.

(2) The proposed use will not adversely affect the general health, safety and welfare of the public.

(3) The applicant shall indicate precautions taken to protect the general health, safety and welfare of the public.

E. Automobile service stations; garages; drive-in restaurants. Automobile service stations and/or garages for the storage, adjustment or repair of motor vehicles, drive-in restaurants and other similar uses where specific attention and consideration must be given to traffic generation and the disruption of traffic flow as well as the danger to the general public due to hazards by fire and explosion, may be permitted by special use permit in C-2, I-1 and I-2 Districts, provided that:

(1) A site plan shall be prepared to show the location of buildings, parking areas, and driveways. In addition, the site plan shall show the number and location of fuel tanks to be installed; the dimensions and capacity of each storage tank; the depth the tanks will be placed below the ground; the number and location of pumps to be installed; the type of structure and accessory buildings to be constructed; the location, height, and lighting power of proposed lighting standards; and the manner in which buffering is to be provided.

(2) Automobile service stations and drive-in restaurants shall have the following yard restrictions:

(a) A minimum lot size of 15,000 square feet with a minimum width of 125 feet.

(b) Minimum front and side yard areas of 25 feet with a minimum rear yard of 35 feet.

(c) Maximum lot coverage of 20%.

(d) Maximum building height of one story or 18 feet.

(3) Driveways at service stations, drive-in restaurants and other uses providing drive-in service shall not be less than 20 feet nor more than 24 feet in width at any point. Driveways must be at least 20 feet from any side lot line and 50 feet from the intersection of street lines. No more than two driveways shall be permitted for each 125 feet of street frontage.

(4) The entire area of the site traveled by motor vehicles shall be hard surfaced.

(5) Any repair of motor vehicles shall be performed in a fully enclosed building, and no motor vehicle shall be offered for sale on the site. No motor vehicle parts or partially dismantled motor vehicles shall be stored outside an enclosed building.

(6) Accessory goods for sale may be displayed on the pump island and the building island only. The outdoor display of oil cans and/or antifreeze and similar products may be displayed on the respective island if provided for in a suitable stand or rack.

(7) All fuel pumps shall be located at least 20 feet from any street or property line and pumps shall have automatic shutoffs as approved by the Fire Department.

(8) Parking for service stations shall be provided in the ratio of one space per 100 square feet of floor area or fraction thereof in the principal building. Parking for drive-in restaurants shall be provided in the ratio of four spaces per 100 square feet of floor area or fraction thereof in the principal building.

(9) Where such parking areas abut a residential zoning district, they shall be screened by a buffer area not less than 10 feet in depth composed of densely planted evergreen shrubbery, solid fencing, or a combination of both which, in the opinion of the City Council will be adequate to prevent the transmission of headlight glare across the district boundary line. Such buffer screen shall have a minimum height of six feet above finished grade at the highest point of the parking area. The materials shall be in keeping with the character of the adjacent residential area.

(10) No automobile service station or public garage shall be located within 500 feet of any public entrance to a church, school, library, hospital, charitable institution or place of public assembly. The distance shall be measured in a straight line from the public entrance to the lot line nearest such entrance along the street line.

(11) No service station shall be located within 1,000 feet of an existing station on the same side of the highway. If a station is located at the intersection of two streets, this distance shall be measured along both streets which abut the property.

(12)

The areas shall be illuminated by nonglare lighting standards, focused downward, and which, in the opinion of the City Council, will not create a nuisance to adjoining property owners.

(13) Drive-in restaurants for the purposes of this subsection are defined as eating establishments for customers normally arriving by motor vehicles, who are provided quick service, food and drink, and such customers obtain their own food and drink at a counter or other place for dispensing food therein and consume such food and drink upon the premises; or in such type restaurants where customers may be waited upon without leaving their vehicles by employees of the drive-in restaurant.

(14) The use of an automobile service station may include the sale or rental of vehicles with a special permit from the City Council. No vehicles shall be parked or displayed in the required front yards, and a detailed plot plan showing the areas in which such vehicles are to be stored shall accompany the application for the special use permit.

F. Automobile junkyards; reclamation centers. As defined by this chapter, junkyards, automobile junkyards, or reclamation centers may be permitted by special use permit in the I-1 and I-2 Industrial Districts, provided that:

(1) All wrecking, dismantling, processing and other related operations shall be conducted within the property lines which shall be completely enclosed by a solid fence material of not less than six feet in height. Such fence shall be of a height sufficient to preclude the visibility of materials from all public rights-of-way.

(2) The keeping of such fence in good maintenance shall be a condition of the issuance of the special use permit. The Council may revoke this authorization if such fence is not maintained in good condition.

(3) No junkyard shall be located within 200 feet of a residential district. This distance shall be measured from the nearest point of the property line of the junkyard to the residential district.

G. Large-scale multifamily developments. Large-scale multifamily developments, including garden apartments and townhouses may be permitted in any residential district and the C-1 Limited Commercial District, provided that:

(1) A detailed site plan showing the location of all buildings, driveways, parking areas, and recreation space buffer areas, is submitted in accordance with § **51-8B** of Chapter **51**, Building Construction, of the Code of the City of Batavia.

(2) Special use permit for such uses shall be required at any time the number of units in a particular development reaches six or more, whether the six are proposed at any one time, single, or in any combination totaling six or more.

(3) The total number of dwelling units for a multifamily project shall not exceed a density of:

(a) Six units per gross acre of land in R-1 Districts.

(b) Twelve units per gross acre of land in R-2 Districts.

(c) Twenty units per gross acre of land in R-3 and C-1 Districts.

(4) There shall be no dwelling units below the first story or above the second story.

(5) Each dwelling unit shall contain complete kitchen facilities, toilet and bathing facilities, and shall have a minimum gross floor area in accordance with the following:

(a)

One-bedroom dwelling units and/or efficiency units shall have a minimum of 600 square feet.

(b) Two-bedroom dwelling units shall have a minimum of 800 square feet.

(c) Three-bedroom dwelling units shall have a minimum of 1,000 square feet.

(6) There shall be no more than 16 dwelling units in each building or structure.

(7) No multifamily dwelling structure shall be located within 25 feet of another dwelling structure, swimming pool, recreation building, or garage.

(8) Every building shall have a minimum setback of 20 feet from any and all interior roads, driveways, and parking areas.

(9) There shall be a buffer strip planted with evergreen shrubs along the entire perimeter of the property, exclusive of the front yard(s), of at least 15 feet in width measured from the property line. No parking or recreation areas shall be permitted within this buffer strip.

(10) Parking shall be required at the ratio of no less than 1 1/2 spaces per dwelling unit.

(11) A minimum of 10% of the total tract area shall be designated for common recreational purposes. The area designated for recreation shall, in the opinion of the City Council, be suitable for such purposes.

(12) Sufficient laundry, drying, garbage pickup and other utility areas must be provided and shall be located with a view both to convenience and to minimizing the detrimental effect on the aesthetic character of the building(s) and shall be enclosed and shielded from view by fencing, walls or shrubbery of at least six feet in height around the perimeter.

(13) There shall be a minimum common storage area in each building for bicycles, perambulators and similar type of equipment of 30 square feet in area and a minimum of six feet in height per dwelling unit.

(14) Driveways, parking areas, dwelling entranceways, and pedestrian walks shall be provided with sufficient illumination to minimize hazards to pedestrians and motor vehicles. Such light sources shall, where necessary, be shielded to avoid glare disturbing to occupants of buildings.

(15) Other standards and conditions to the site plan and to curbing, driveways, parking areas, pedestrian walks, landscaping and planting not otherwise specified herein may be attached as conditions by the City Council as circumstances indicate they will further the purposes and intent of this chapter.

(16) The proposed use shall meet the area and yard requirements specified in **Schedule I** of this chapter.[1]

[1] *Editor's Note: **Schedule I** is included at the end of this chapter.*

H. Heliports and helistops. Heliports and helistops may be permitted by special use permit in the I-1 and I-2 and P-1 and P-2 Districts, provided that:

(1) All applications for a heliport or helistop in the City shall include all of the information identified in § **51-8D** of Chapter **51**, Building Construction, of the Code of the City of Batavia, as well as anticipated frequency of helicopter operations; proposed landing areas, including ground and building sites; types of craft to be utilized; takeoff and landing approaches, emergency landing sites; fire participation facilities; and structural support capabilities for rooftop landing sites.

(2) Heliports or helistops shall not be permitted within 1,000 feet of any residential district except by special use permit authorized by the City Council.

(3) All helicopter landing areas shall be enclosed by wind-deflection fences which are four feet in height.

(4) All helicopter landing surfaces shall be free from dust, dirt and other loose material and shall be covered by a surface approved by the City Engineer.

(5) For rooftop landing areas the structure shall be capable of supporting a gross concentrated load equal to 1.75 times the helicopter's weight.

(6) Routes of helicopters shall be over terrain which affords suitable emergency landing areas no farther away than a glide angle of one foot vertically to four feet horizontally.

(7) Minimum landing areas for a heliport shall be 100 feet by 100 feet exclusive of tie-down facilities, taxi-ways, service and parking areas. On rooftop sites, the minimum landing area shall be 40 feet by 40 feet for helicopters of less than 3,500 pounds gross weight. The minimum size of the touchdown area for helicopters over 3,500 pounds gross weight shall be at least 11/2 times the rotor diameter.

(8) Rooftop helicopter landing facilities shall be located in an area that will permit a glide slope angle of eight feet horizontal distance for every one foot vertical clearance required. Two such approaches shall be available, at least 90° removed from each other.

(9) On all touchdown or landing areas, whether elevated or flush with the roof, provision shall be made for collecting fuel which may be spilled in event of any emergency. Separator or clarifier tanks for collecting spilled fuel shall be installed under approval and supervision of the City Engineer.

(10) Fire-fighting facilities approved by the Batavia Fire Department shall be provided at all landing sites.

(11) All landing sites shall be approved and marked as prescribed by the Federal Aviation Administration.

(12) For rooftop sites no light standards, roof vents, guy lines, television antennas, or other similar rooftop obstructions which may be difficult to see from the air shall be permitted within the required glide slope on three sides, or within an arc of 270°.

(13) Such lights as are installed shall illuminate and be directed onto the touchdown pad only, and in such a manner that the light rays cannot interfere with the helicopter pilot's vision.

(14) Approved means of communication, such as telephone, radio, fire alarm box or signaling device, shall be provided adjacent to the landing area.

I. Restricted residential uses. Restricted residential uses shall be permitted in C-3 Central Commercial Districts as defined herein with the following provisions:
[Added 7-8-1996]

(1) A detailed site plan showing the location and size of all buildings, entrances, exits, driveways, signage, parking areas, and dumpsters is submitted in accordance with § **51-8** of Chapter **51**, Building Construction, of the Code of the City of Batavia.

(2) A detailed floor plan drawn to scale of all interior portions of any building or any renovations to existing buildings shall be submitted as part of the special use permit application.

(3) The maximum height from curb level for any new building constructed shall be four stories.

(4) No residential use shall be permitted on the first floor. The first floor use must be consistent with other allowed uses in the C-3 Central Commercial Districts.

(5) There shall be no more than two bedrooms per unit.

(6) Any new building constructed shall be built to the front lot lines on Main Street and Jackson Street within the C-3 Central Commercial District.

(7) A parking plan shall be submitted detailing plans for parking. An annual fee for parking shall be required for any use by residents of City-owned parking lots with those limitations set forth by the City Council if the special use permit application is approved.

(8) Separate signage denoting residential use shall be allowed as approved in the special use review.

(9) Other standards and conditions to the site plan and to curbing, driveways, parking areas, pedestrian walks, landscaping and planting not otherwise specified herein may be attached as conditions by the City Council as circumstances indicate they will further the purposes and intent of this chapter.

J. Accessory dwelling units. Accessory dwelling units may be permitted by special use permit in the R-1 Residential District, provided that:
[Added 10-25-1999]

(1) No changes are made to the front exterior of the single-family dwelling to maintain the appearance of a single-family home.

(2) Accessory units will only be allowed in owner-occupied single-family residences.

(3) Garages may not be converted to accessory dwelling units.

(4) Entrances for the accessory unit shall not be on the front exterior to maintain the single-family appearance of the structure.

(5) One parking space to be provided for the accessory dwelling unit.

K. Standards applicable for all special use permits. The Planning and Development Committee may issue a special use permit only after it has found that all the following standards and conditions have been satisfied, in addition to any other applicable standards and conditions contained elsewhere in this chapter.
[Added 11-9-1998]

(1) The location and size of such use and intensity of the operations involved in or conducted therewith, its site layout and its relation to access streets shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons therewith will not be hazardous and shall be in harmony with the orderly development of the district.

(2) The location, nature and height of buildings, walls and fences will not discourage the appropriate development and use of adjacent land and buildings, nor impair their value.

(3) The operation of any such use shall not be more objectionable to nearby properties than would be operation of any permitted use.

(4) The operation of any such use shall not cause undue noise, vibration, odor, lighting glare, and unsightliness so as to detrimentally impact adjacent properties.

(5) When a commercial or industrial special use abuts a residential property the Planning and Development Committee may find it necessary to require screening of sufficient height and

density (i.e. fences, hedges, etc.) to reduce or eliminate the conflicting environmental conditions previously mentioned.

(6) Electrical disturbances shall not be caused so as to disrupt radio or television communications in the immediate area.

(7) The proposed use shall meet the off-street parking and loading requirements of similar uses.

(8) Appropriate on-lot drainage shall be provided so as to eliminate any potential on-site water-related problems. Also, the drainage systems created shall not detrimentally impact on adjacent properties.

(9) Traffic access to an from the use site, as well as on-lot traffic circulation, shall be designed so as to reduce traffic hazards.

(10) Such use shall be attractively landscaped.

(11) A special use permit shall not be issued for a use on a lot where there is an existing violation of this chapter unrelated to the use which is the subject of the requested special use permit, as determined by the Planning and Development Committee.

(12) As a condition of all special use permits, right of entry for inspection with reasonable notice shall be provided to determine compliance with the conditions of said permit.

(13) In addition to the general standards for special use permits as set forth herein, the Planning and Development Committee may, as a condition of approval for any such use, establish any other additional standards, conditions, and requirements it deems necessary or appropriate to promote the public health, safety and welfare, and to otherwise implement the intent of this chapter.

(14) The above standards are not intended to apply to uses whose regulation has been preempted by the state or federal government.

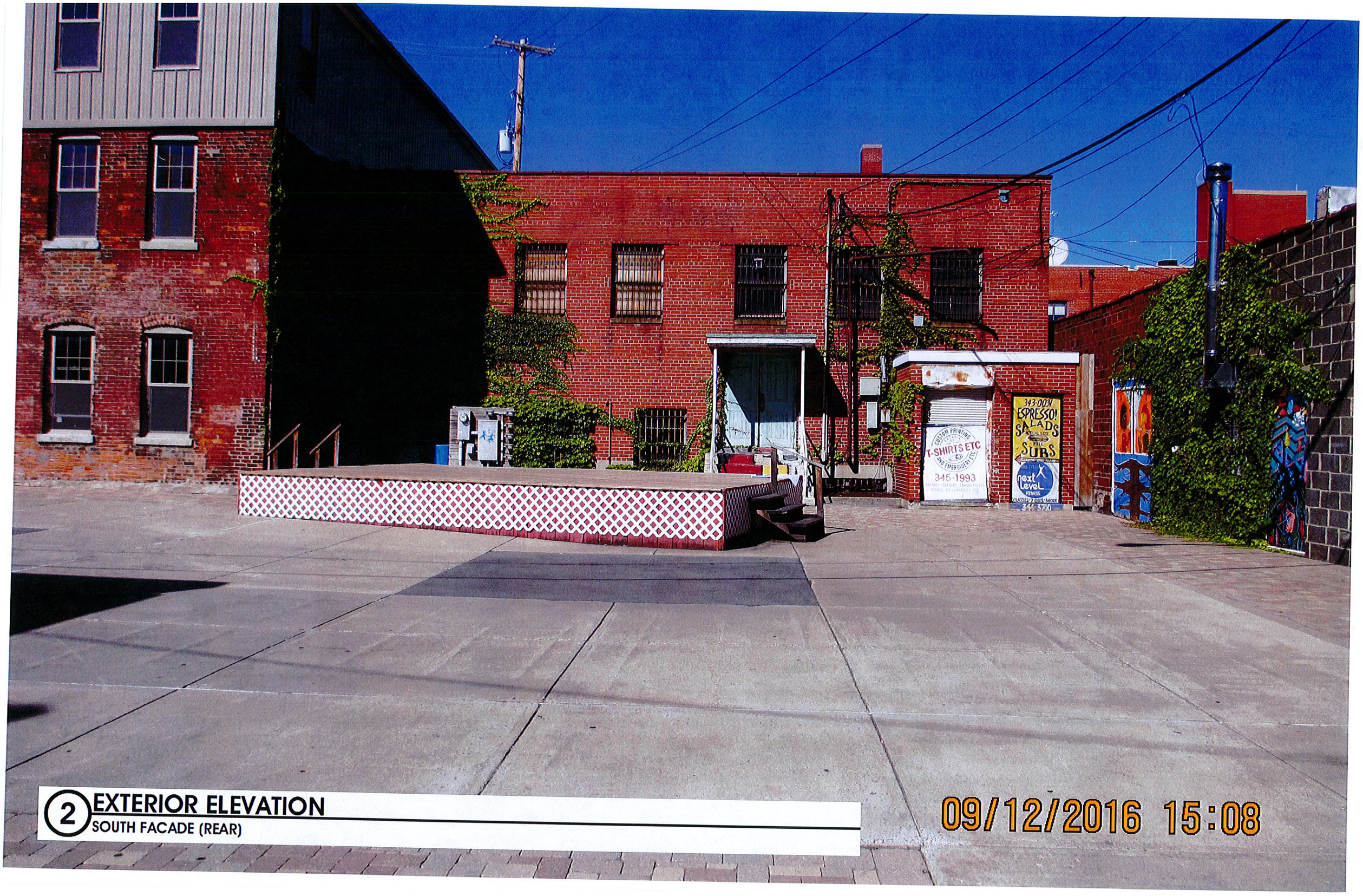
L. Adult uses as per Article **VI**.
[Added 12-13-1999]

JACKSON SQ
CENTER ST
CENTER ST
MAIN ST
OAK ST

CENTER ST
MAIN ST
JACKSON SQ
JACKSON ST

1 EXTERIOR ELEVATION
NORTH FACADE (FRONT)

09/12/2016 16:57

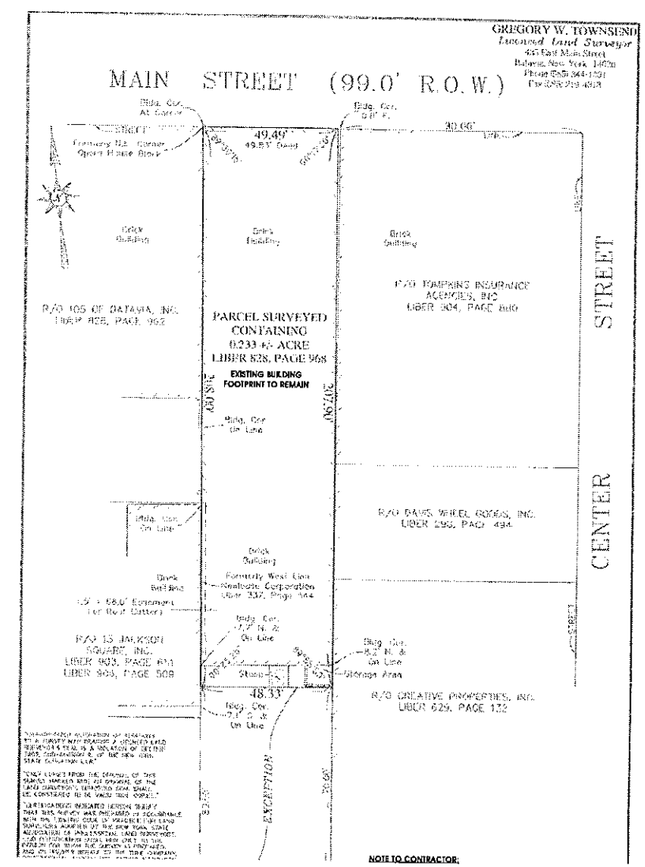


2 EXTERIOR ELEVATION

SOUTH FACADE (REAR)

GENERAL NOTES:

1. THE CONTRACTOR SHALL COORDINATE WITH ALL LOCAL UTILITIES PRIOR TO COMMENCING WITH WORK.
2. THE CONTRACTOR SHALL FIELD VERIFY ALL EXISTING SITE CONDITIONS AND NOTIFY THE ARCHITECT OF ANY DISCREPANCIES PRIOR TO BEGINNING WORK.
3. THE CONTRACTOR SHALL PATCH/REPAIR DAMAGE TO ANY OBJECTS, SURFACES, PLANTING OR UNUSE EXISTING MATERIALS THAT ARE DAMAGED DUE TO BOTH TEMPORARY AND PERMANENT CONSTRUCTION OF THE PROJECT AT NO ADDITIONAL COST TO THE OWNER.
4. THE FINISHED FLOOR OF THE PROJECT'S EXISTING ADDITION AND THE EXISTING MAIN BUILDING FLOOR ARE TO BE INSTALLED SUCH THAT THESE SURFACES WILL ALIGN. THE CONTRACTOR SHALL DETERMINE THE EXISTING FLOOR THICKNESS AND PROCEED ACCORDINGLY.
5. THE GC AND HIS/HER SUB-CONTRACTORS SHALL MAINTAIN A CLEAN WORKSITE AT ALL TIMES. WASTE DUE TO THE DEMOLITION AND CONSTRUCTION OF THE PROJECT AS SPECIFIED HEREIN SHALL BE KEPT TO A MINIMUM AT ALL TIMES. THE CONTRACTOR AND SUBCONTRACTORS SHALL CLEAN UP AND DISPOSE OF ALL DEBRIS ON SITE DAILY UNLESS GIVEN APPROVAL OTHERWISE.
6. THE G.C SHALL COORDINATE ANY/ALL ANTICIPATED UTILITY INTERRUPTIONS INCLUDING BUT NOT LIMITED TO: WATER, ELECTRICITY, AND GAS WITH THE OWNER IN A TIMELY MANNER AS MUTUALLY AGREED UPON BETWEEN THE OWNER AND GENERAL CONTRACTOR.



NOTE TO CONTRACTOR:

THIS SITE PLAN HAS BEEN PROVIDED FOR INFORMATIONAL PURPOSES ONLY. IT IS HEREBY ASSURED THAT ALL CONTRACTOR(S) AND HIS/HER SUBCONTRACTORS SHALL FIELD VERIFY ALL EXISTING CONDITIONS, UTILITIES AND INFORMATION PRIOR TO BIDDING AND WORK COMMENCEMENT.

1 EXISTING SITE SURVEY
109 & 111 MAIN ST, BATAVIA

SCALE: 1"=20'

trm architect
716.830.3108
www.trmarchitect.com

ALL DESIGNS, PLANS, SPECIFICATIONS, REPORTS AND OTHER DOCUMENTS AND DATA PROVIDED BY TRM ARCHITECT, PLLC (OR PROVIDED BY TRM ARCHITECT, PLLC'S CONSULTANTS IN THEIR ARCHITECT'S OR ENGINEER'S PROFESSIONAL CAPACITY) IN CONNECTION WITH THE PROJECT ARE THE PROPERTY OF TRM ARCHITECT, PLLC (OR TRM ARCHITECT'S CONSULTANTS, AS THE CASE MAY BE) WHETHER OR NOT THE PROJECT IS COMPLETED.

NEWBERRY BREWERY
109 & 111 MAIN STREET
Batavia,New York 14020

ISSUE	DATE	REMARKS
1	27OCT2016	PLANNING BOARD REVIEW

EXISTING SURVEY & SITE INFORMATION

DRAWN BY: NMR
SCALE: AS NOTED
DATE: DD MM YYYY
JOB NUMBER: 3297
SHEET NUMBER: **SP1.0**

GENERAL FLOOR PLAN NOTES

(1) FIELD VERIFICATION
ALL CONTRACTORS SHALL VERIFY AND BE RESPONSIBLE FOR ALL FIELD DIMENSIONS AND EXISTING CONDITIONS. THE CONTRACTOR SHALL NOTIFY THE ARCHITECT IMMEDIATELY OF ANY EXISTING CONDITIONS THAT VARIES FROM THE NOTED WITHIN THIS SET. IT IS CONTRACTOR'S ALL VERIFY LOCATIONS OF ALL EXISTING UTILITIES IN AREAS OF NEW CONSTRUCTION PRIOR TO COMMENCING WORK. THE CONTRACTOR SHALL COORDINATE WITH OWNER ALL UTILITIES AND ALL UNITS AS SERVICED PRIOR TO COMMENCING WORK. LAYOUT ALL PARTITIONS IN ACCORDANCE TO ANY DIRECTION IN FOR FABRICATION & NOTIFY ARCHITECT OF ANY DISCREPANCIES.

(2) DIMENSIONS
ALL DIMENSIONS ARE TO THE CENTERLINE OF COLUMNS, TO THE FACE OF STUDS, THE FACE OF MASONRY OR THE FACE OF EXISTING CONSTRUCTION UNLESS OTHERWISE NOTED.

(3) DEMOLITION
REFER TO DEMOLITION & HAZARDOUS MATERIALS DRAWINGS FOR CONSTRUCTION NOT TO BE REMOVED.

(4) FIELD COORDINATION
THE CONTRACTOR IS RESPONSIBLE FOR THE COORDINATION OF EACH WORK WITH THAT OF ALL OTHER TRADES. CONTRACTOR SHALL COORDINATE THE PERFORMANCE AND SEQUENCING OF THE WORK WITH THE CAMPUS.

5) SUPPORTING ASSEMBLIES
CONTRACTOR SHALL HAVE TOTAL RESPONSIBILITY FOR THE DESIGN, PROVISION AND DIRECTION OF ALL TEMPORARY SHOVELING, SHORING, GUARDRAILS, BRACING AND SUPPORTS FOR ANY AND ALL LOADS IMPOSED DURING THE CONSTRUCTION PROCESS, TO PROTECT ALL WORKERS, CAMPUS PROPERTY AND THE PUBLIC FROM INJURY AND/OR DAMAGE. IN ACCORDANCE WITH BEST STANDARD PRACTICE, APPLICABLE NATIONAL, AND LOCAL CODES.

6) QUALITY & WORKMANSHIP
GENERAL CONTRACTOR IS RESPONSIBLE FOR PROPER FIELD FITTING AND QUALITY OF WORK OF ALL TRADES CONTRACTED TO PERFORM WORK. ALL TRADES SHALL TAKE FIELD MEASUREMENTS AS REQUIRED AND BE RESPONSIBLE FOR FITTING NEW CONSTRUCTION TO EXIST. CONDITIONS. CONTRACTORS SHALL REPAIR NEW EXISTING CONDITIONS DISTURBED OR DAMAGED TO MATCH EXISTING CONDITIONS.

7) EQUIPMENT REMOVAL
COORDINATE WITH OWNER ALL FOR THE EXISTING EQUIPMENT DEMOLITION, RELOCATION, AND OR REMOVAL OF EXISTING EQUIPMENT.

8) WORK NOT SPECIFICALLY SHOWN
MISCELLANEOUS WORK NOT SPECIFICALLY SHOWN ON THE CONTRACT DRAWINGS SUCH AS PATCHING, BLOCKING, FRAMING, ETC. SHALL BE PERFORMED AS REQUIRED TO MAKE THE WORK COMPLETE

(9) COORDINATION WITH OTHER PROJECTS
IT IS THE CONTRACTORS RESPONSIBILITY TO EXAMINE ALL DRAWINGS AND SPECIFICATIONS AND COORDINATE WORK WITH ALL OTHER CONTRACTS OCCURRING ON CAMPUS PROPERTY.

(10) PARTITION CONSTRUCTION
ALL PARTITIONS ARE TO UNDERSIDE OF DECK UNLESS OTHERWISE NOTED. ALL STUDS AND FURRINGS ARE 16" O.C. UNLESS OTHERWISE NOTED.

(11) COLUMN COVERUPS
ALL COLUMN COVERS ARE EXISTING EXCEPT AS NOTED. COLUMN LOCATIONS ARE APPROXIMATE.

(12) HAZARDOUS MATERIALS
IF THE CONTRACTOR SUSPECTS THAT THERE HAS BEEN COVERED HAZARDOUS MATERIALS IN THE COURSE OF THEIR WORK THEY SHALL IMMEDIATELY NOTIFY THE OWNER BEFORE PROCEEDING WITH THE WORK. SEE HAZARDOUS MATERIALS DRAWINGS FOR MORE INFORMATION, ON HAZARDOUS MATERIALS HANDLING & PROTOCOL.

(13) FINISHES
SEE ROOM FINISH SCHEDULE & INTERIOR ELEVATIONS FOR INTERIOR FINISHES/MATERIALS

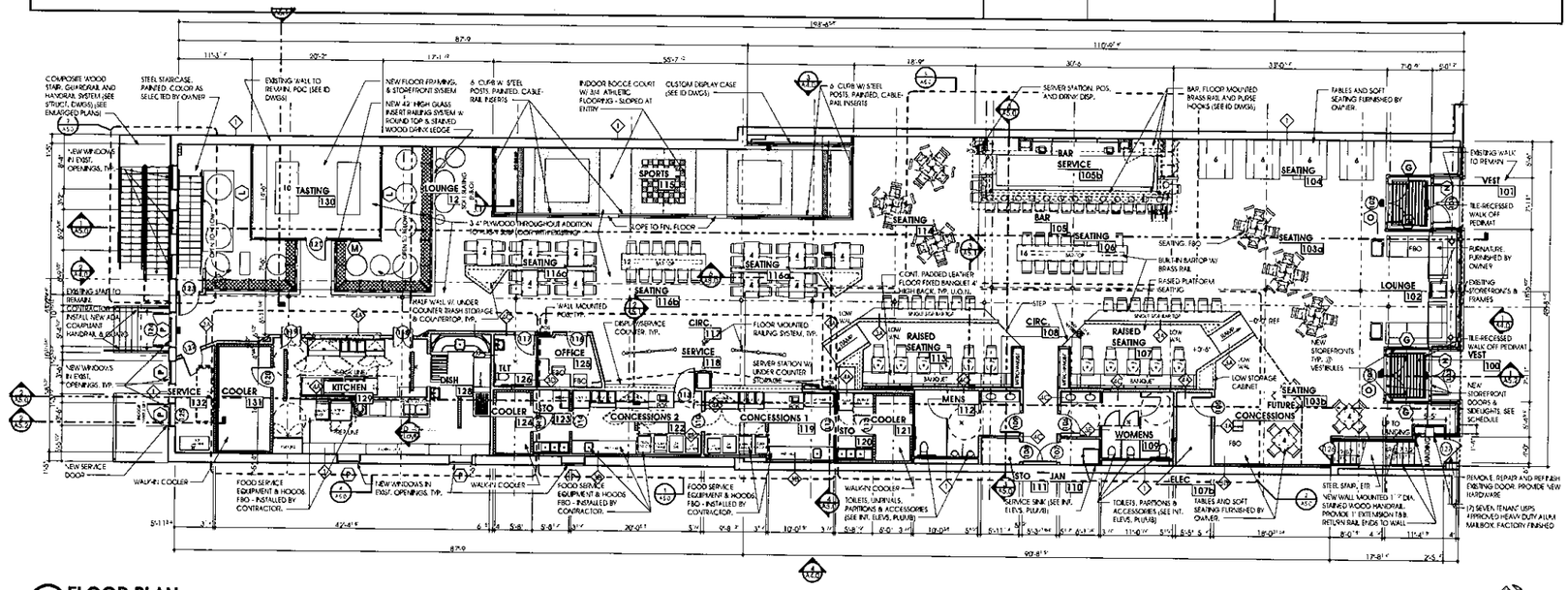
(14) MEP COORDINATION
SEE MEP & FLOOR DRAWINGS, CLEANOUTS, ETC. ARE SHOWN FOR REFERENCE ONLY. REFER TO MEP DRAWINGS FOR ADDITIONAL INFORMATION, INCLUDING VERIFICATION OF SIZES & LOCATIONS OF ALL EQUIPMENT.

(15) FIRE EXTINGUISHERS & CABINETS
VERIFY THAT EXISTING FIRE EXTINGUISHERS AND CABINETS ARE LOCATED CORRECTLY ON THE DRAWINGS. VERIFY THE ARCHITECT IMMEDIATELY OF ANY DISCREPANCIES. PRIOR TO INSTALLING ANY NEW FIRE EXTINGUISHERS & CABINETS, VERIFY THE QUANTITY, LOCATION, MOUNTING HEIGHT, AND SIZE OF EXTINGUISHERS REQUIRED WITH THE LOCAL GOVERNING FIRE AGENCY WITH JURISDICTION.

(16) PAINTED PREPARATION
CLEAN, PATCH & REPAIR ALL LIVING SURFACES & PAINTING COVER. DROP CLOTHS FOR THE PREPARATION OF PAINTING

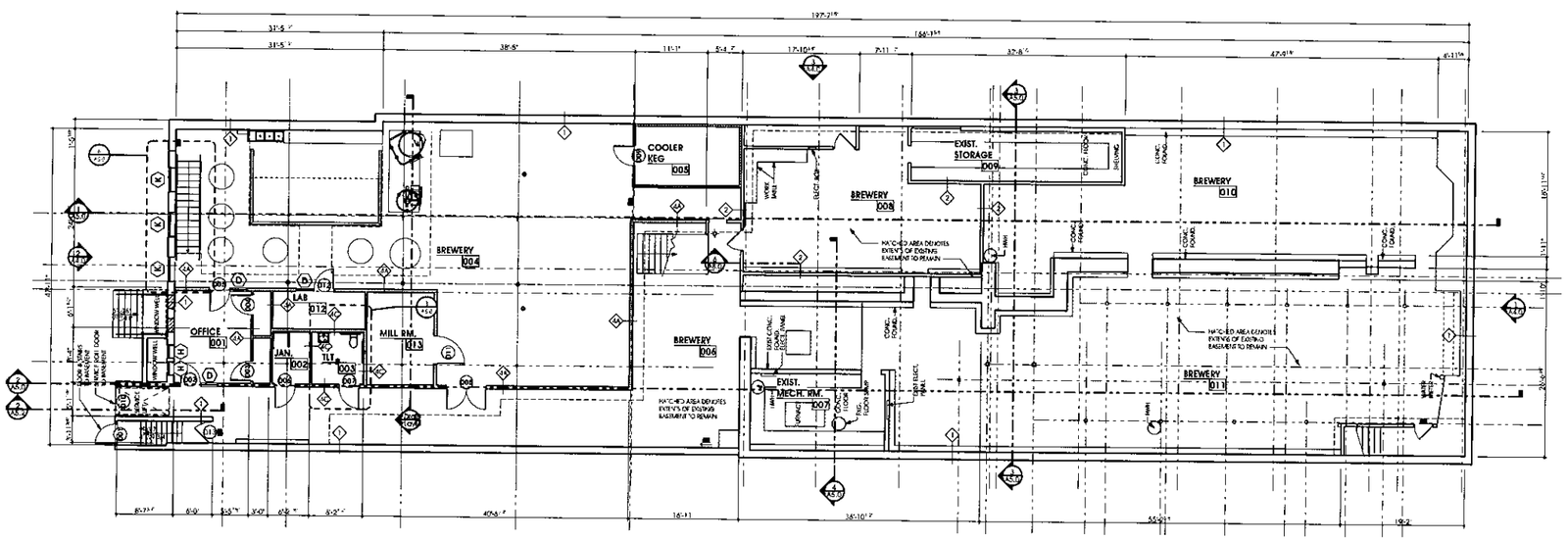
FLOOR PLAN LEGEND

NEW OR RELOCATED DOOR	WALL TYPE - SEE WALL TYPE SCHEDULE	
EXISTING DOOR TO REMAIN	DOOR NUMBER - SEE DOOR SCHEDULE	
NEW WALL CONSTRUCTION	WINDOW TYPE - SEE WINDOW SCHEDULE (WHERE APPLICABLE)	
EXISTING WALL CONSTRUCTION TO REMAIN		



2 FLOOR PLAN
FIRST FLOOR PLAN

SCALE: 1/8" = 1'-0"



1 FLOOR PLAN
BASEMENT

SCALE: 1/8" = 1'-0"

WALL TYPES

ALSO REFER TO GENERAL NOTES-APPLICABLE TO ALL WALLS

WALL KEY	WALL DESCRIPTION	FIRE RATING
1	EXISTING WALL CONSTRUCTION: EXISTING THROUGH WALL BRICK MASONRY. PROTECT DURING CONSTRUCTION.	4-HR IBC 721.1(2)
2	EXISTING WALL CONSTRUCTION: 2X4 WD. STUDS W/ LATH, SCRATCH AND FINISH COAT PLASTER. REPAIR INKIND TO MATCH EXISTING ON ALL EXPOSED AREAS	
2a	NEW WALL CONSTRUCTION: EXIST. 2X4 WD. STUDS W/ NEW BATT INSULATION 1/2" RESILIENT CHANNELS & 2-LAYERS OF 5/8" TYPE 'X' GYP. BD.	80 MINS. IBC 722.2.9.4(2)
3a	NEW WALL CONSTRUCTION: 2X4 WD. STUDS @ 16" O.C. W/ 5/8" TYPE 'X' GYP. BD. ON BOTH SIDES	1-HR UL #U305
3b	NEW WALL CONSTRUCTION: 2X4 WD. STUDS @ 16" O.C. W/ 2-LAYERS 5/8" GYP. BD. ON 1 SIDE	
3c	NEW WALL CONSTRUCTION: 2X4 WD. STUDS @ 16" O.C. W/ 2-LAYERS 5/8" GYP. BD. ON 1 SIDE	
3d	NEW WALL CONSTRUCTION: 2X4 WD. STUDS @ 16" O.C. W/ 5/8" GYP. BD. ON BOTH SIDES (PROVIDE TILE BACKER BOARD @BATHROOMS WHERE C.T. WALL TILE IS USED)-UP TO U/S OF STRUCTURE. (TILE ON BOTH SIDES)	
3e	NEW WALL CONSTRUCTION: 2X4 WD. STUDS @ 16" O.C. W/ 5/8" GYP. BD. ON BOTH SIDES (PROVIDE TILE BACKER BOARD @BATHROOMS WHERE C.T. WALL TILE IS USED)-UP TO U/S OF STRUCTURE. (TILE ON BOTH SIDES)	
3f	NEW WALL CONSTRUCTION: 2X4 WD. STUDS @ 16" O.C. W/ 5/8" GYP. BD. ON ONE SIDE (PROVIDE TILE BACKER BOARD @BATHROOMS WHERE C.T. WALL TILE IS USED)-UP TO U/S OF STRUCTURE. (TILE ON ONE SIDE)	
4a	NEW WALL CONSTRUCTION: 2X4 WD. STUDS @ 16" O.C. W/ 5/8" TYPE 'X' GYP. BD. ON BOTH SIDES	
4b	NEW WALL CONSTRUCTION: 2X6 WD. STUDS @ 16" O.C. W/ 5/8" TYPE 'X' GYP. BD. ON ONE SIDE	
4c	NEW WALL CONSTRUCTION: 2X6 WD. STUDS @ 16" O.C. W/ 1/2" GYP. BD. ON BOTH SIDES (PROVIDE TILE BACKER BOARD @BATHROOMS WHERE C.T. WALL TILE IS USED)-UP TO U/S OF STRUCTURE. (TILE ON ONE SIDE)	
4d	NEW WALL CONSTRUCTION: 2X6 WD. STUDS @ 16" O.C. W/ 5/8" GYP. BD. ON BOTH SIDES (PROVIDE TILE BACKER BOARD @BATHROOMS WHERE C.T. WALL TILE IS USED)-UP TO U/S OF STRUCTURE. (TILE ON BOTH SIDES)	
4e	NEW WALL CONSTRUCTION: 2X6 WD. STUDS @ 16" O.C. W/ 2-LAYERS 5/8" GYP. BD. ON 1 SIDE	
5	NEW WALL CONSTRUCTION: FURRING 2X WD. STUDS @ 16" O.C. W/ 5/8 GYP. BD. ON 1 SIDE	
6	NEW WALL CONSTRUCTION: COOLER PANELS BY COOLER MANUFACTURER	
7a	NEW WALL CONSTRUCTION: 2X4 WD. STUDS @ 16" O.C. W/ 5/8 TYPE 'X' GYP. BD. ON BOTH SIDES. (OWNER TO PROVIDE WALL FINISHES)	1-HR UL #U305
7b	NEW WALL CONSTRUCTION: 2X6 WD. STUDS @ 16" O.C. W/ 5/8 TYPE 'X' GYP. BD. ON BOTH SIDES. (OWNER TO PROVIDE WALL FINISHES)	1-HR UL #U305

GENERAL NOTES

1. ROOM FINISHES SUCH AS: CERAMIC TILE, FRP, PAINT, & ETC. TO BE DETERMINED BY OWNER. COORDINATE WITH PROJECT ARCHITECT.
2. KITCHEN AREAS: INSTALL 48" HIGH TILE BACKER BOARDS (1/2" DENS-GLASS) AT BASE OF ALL WALLS.
3. TOILET ROOMS: INSTALL 5.8" (OR 1/2" TILE BACKER BOARD 40"/48" HIGH AT BASE OF ALL WALLS. (SEE WALL TYPE) MOISTURE RESISTANT BD. ABOVE TO CLG; EXCEPT AT SHOWER AREAS TILE BACKER BOARD TO BE FULL HEIGHT OF WALL.
4. STUD PARTITIONS EXCEEDING 16 FT. IN HEIGHT SHALL BE BRACED TO STRUCTURE AT INTERVALS NOT TO EXCEED 16 FT.

F.E. INDICATES FIRE EXTINGUISHER

INDICATES NEW WALL CONSTRUCTION W/ SOUND BATTS OR ACOUSTIC FOAM @ INTERIOR WALLS &/ OR INSULATION SPRAY FOAM @ EXTERIOR WALLS

bm architect
Matthew D. Mazzotti, AIA
Architect, P.C.
Buffalo, New York 14202
716 855 4100 tel
716 855 4102 fax

ALL SERVICE, WORK, SERVICES, PLANS, REPORTS, REPRODUCTIONS, DOCUMENTS, INCLUDING ALL DOCUMENTS IN ELECTRONIC MEDIA, PROVIDED BY OR ON BEHALF OF MATTHEW D. MAZZOTTI, AIA ARCHITECT, P.C. (SERVICES) SHALL REMAIN THE PROPERTY OF MATTHEW D. MAZZOTTI, AIA ARCHITECT, P.C. (ARCHITECT) WHETHER OR NOT THE PROJECT FOR WHICH THEY WERE PREPARED IS EXECUTED. ANY USE OF THE SERVICES, WITHOUT WRITTEN AUTHORIZATION FROM ARCHITECT, IS PROHIBITED.

NEWBERRY BREWERY
109 & 111 MAIN STREET
Batavia, New York 14020

ISSUE	DATE	REMARKS
1	12 OCT 2016	PLANNING BOARD REVIEW

BASEMENT & FIRST FLOOR PLANS

DRAWN BY: NMR
SCALE: AS NOTED
DATE: DD MM YYYY
JOB NUMBER: 3297
SHEET NUMBER: A1.0

plotted Wednesday, October 26, 2016

GENERAL FLOOR PLAN NOTES

1) FIELD VERIFICATION
ALL CONTRACTORS SHALL VERIFY AND BE RESPONSIBLE FOR ALL FIELD DIMENSIONS AND EXISTING CONDITIONS. THE CONTRACTOR SHALL NOTIFY THE ARCHITECT IMMEDIATELY OF ANY EXISTING CONDITIONS THAT VARY FROM THE PLANS WITHIN 48 HOURS. THE CONTRACTOR SHALL VERIFY LOCATIONS OF ALL EXISTING UTILITIES AREAS OF NEW CONSTRUCTION PRIOR TO COMMENCING WORK. THE CONTRACTOR SHALL COORDINATE HIS WORK WITH ALL UTILITIES AND ALL THIRD PARTY WORKERS PRIOR TO COMMENCING WORK. DO NOT USE THE DRAWINGS IN FIELD PRIOR TO ANY ERECTION, & / OR FABRICATION & NOTIFY ARCHITECT OF ANY DISCREPANCIES.

2) DIMENSIONS
ALL DIMENSIONS ARE TO THE CENTERLINE OF COLUMNS, TO THE FACE OF STEEL, THE FACE OF MASONRY OR THE FACE OF EXISTING CONSTRUCTION UNLESS OTHERWISE NOTED.

3) DEMOLITION
REFER TO DEMOLITION & HAZARDOUS MATERIAL DRAWINGS FOR CONSTRUCTION TO BE REMOVED.

4) TRADE COORDINATION
THE CONTRACTOR IS RESPONSIBLE FOR THE COORDINATION OF THEIR WORK WITH THAT OF ALL OTHER TRADES. CONTRACTOR SHALL COORDINATE THE PERFORMANCE AND SEQUENCING OF THE WORK WITH THE CAMPUS.

5) TEMPORARY ASSEMBLIES
CONTRACTOR SHALL HAVE TOTAL RESPONSIBILITY FOR THE DESIGN, PROVISION AND ERECTION OF ALL TEMPORARY SCAFFOLDING, SHORING, GUARD RAILS, BRACING AND SUPPORTS FOR ANY AND ALL LOADS IMPOSED DURING THE CONSTRUCTION PROCESS, TO PROTECT ALL WORKERS, CAMPUS PROPERTY AND THE PUBLIC FROM INJURY AND OR DAMAGE IN ACCORDANCE WITH BEST STANDARD PRACTICE, APPLICABLE NATIONAL AND LOCAL CODES.

6) QUALITY OF WORK
GENERAL CONTRACTOR IS RESPONSIBLE FOR PROPER INSTALLATION AND QUALITY OF WORK OF ALL TRADES CONTRACTED TO PERFORM WORK. ALL TRADES SHALL SCHEDULE THEIR WORK AS REQUIRED AND BE RESPONSIBLE FOR FITTING NEW CONSTRUCTION TO EXIST. CONSTRUCTION. CONTRACTORS SHALL REPAIR ANY EXISTING CONDITIONS DISTURBED OR DAMAGED TO MATCH EXISTING CONDITIONS.

7) EQUIPMENT REMOVAL
COORDINATE WITH THE OWNER THE EXTENT OF DEMOLITION, RELOCATION, AND/OR REMOVAL OF EXISTING EQUIPMENT.

8) WORK NOT SPECIFICALLY SHOWN
MISCELLANEOUS WORK NOT SPECIFICALLY SHOWN ON THE CONTRACT DRAWINGS SUCH AS TRIMWORK, BLOCKING, TRENCHING, ETC. SHALL BE PERFORMED AS REQUIRED TO MAKE THE WORK COMPLETE.

9) COORDINATION WITH OTHER PROJECTS
IT IS THE CONTRACTORS RESPONSIBILITY TO EXAMINE ALL DRAWINGS AND SPECIFICATIONS AND COORDINATE WORK WITH ALL OTHER CONTRACTS OCCURRING ON CAMPUS PROPERTY.

10) PARTITION CONSTRUCTION
ALL PARTITIONS ARE TO UNDERSIDE OF DECK UNLESS OTHERWISE NOTED. ALL STUDS AND RUNNINGS ARE 16" O.C. UNLESS OTHERWISE NOTED.

11) COMMON CONTRACTS
ALL COMMON LINES ARE EXISTING EXCEPT AS NOTED. COMMON LINE CONDITIONS ARE APPROXIMATE.

12) HAZARDOUS MATERIALS
IF THE CONTRACTOR SUSPECTS THAT HE/SHE HAS DISCOVERED HAZARDOUS MATERIALS IN THE COURSE OF THEIR WORK THEY SHALL IMMEDIATELY NOTIFY THE OWNER BEFORE PROCEEDING WITH THE WORK. SEE HAZARDOUS MATERIALS DRAWINGS FOR MORE INFORMATION ON HAZARDOUS MATERIALS HANDLING & PROTECTION.

13) FINISHES
SEE ROOM FINISH SCHEDULE & INTERIOR ELEVATIONS FOR INTERIOR FINISHES MATERIALS.

14) MEP COORDINATION
SINKS, TOILETS, URINALS, ELEVATORS, ETC. ARE SHOWN FOR REFERENCE ONLY. REFER TO MEP DRAWINGS FOR ADDITIONAL INFORMATION, INCLUDING VERIFICATION OF SIZES & LOCATIONS OF ALL EQUIPMENT.

15) FIRE EXTINGUISHERS & CABINETS
VERIFY THAT EXISTING FIRE EXTINGUISHER CABINETS ARE LOCATED CORRECTLY ON THE DRAWINGS. NOTIFY THE ARCHITECT IMMEDIATELY OF ANY DISCREPANCIES. PROVIDE AND INSTALL ANY NEW FIRE EXTINGUISHERS & CABINETS. VERIFY THE QUANTITY, LOCATION, MOUNTING HEIGHT, AND SIZE OF EXTINGUISHERS REQUIRED WITH THE LOCAL GOVERNING FIRE AUTHORITY HAVING JURISDICTION.

16) PAINTING (REPAINTING)
CLEAN, PATCH & REPAIR ALL EXISTING SURFACES & EXISTING CONDITIONS. PROVIDE GRIDINGS FOR THE PREPARATION OF PAINTING.

FLOOR PLAN LEGEND

	NEW OR RELOCATED DOOR		WALL TYPE - SEE WALL TYPE SCHEDULE
	EXISTING DOOR TO REMAIN		DOOR NUMBER - SEE DOOR SCHEDULE
	NEW WALL CONSTRUCTION		WINDOW TYPE - SEE WINDOW SCHEDULE (WHERE APPLICABLE)
	EXISTING WALL CONSTRUCTION TO REMAIN		

WALL TYPES

ALSO REFER TO GENERAL NOTES-APPLICABLE TO ALL WALLS

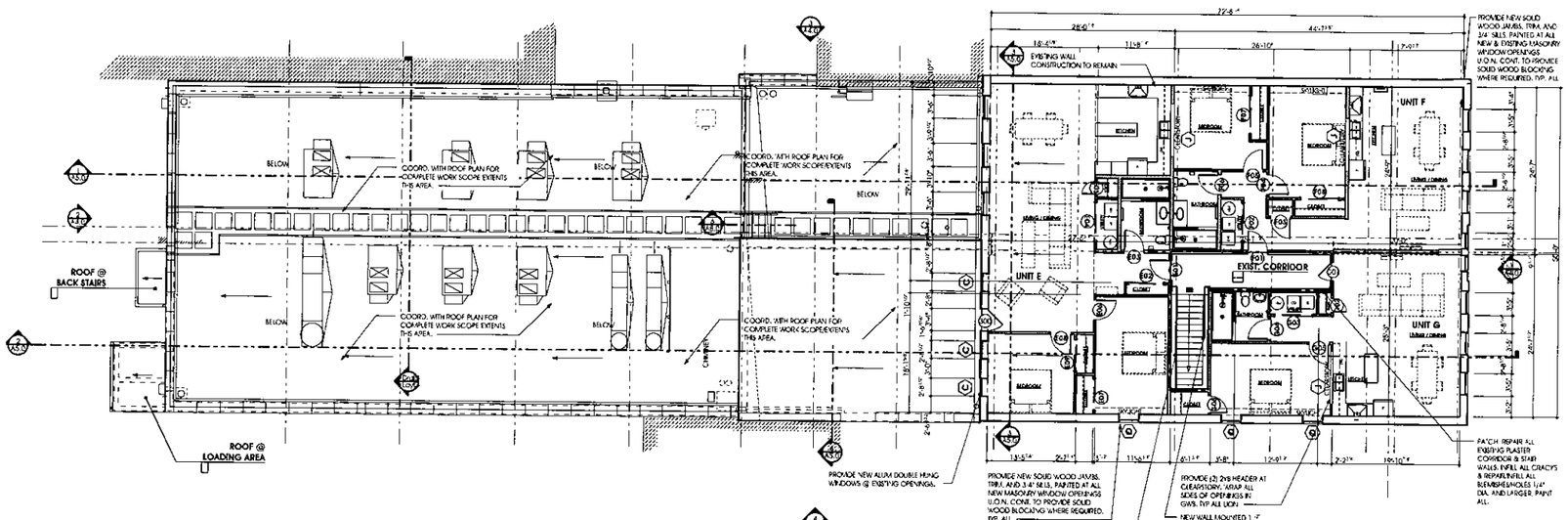
WALL KEY	WALL DESCRIPTION	FIRE RATING
1	EXISTING WALL CONSTRUCTION: EXISTING THROUGH WALL BRICK MASONRY. PROTECT DURING CONSTRUCTION.	4-HR MC 721.1(2)
2	EXISTING WALL CONSTRUCTION: 2X WD. STUDS W/ LATH, SCRATCH AND FINISH COAT PLASTER. REPAIR/REWIND TO MATCH EXISTING ON ALL EXPOSED AREAS	
2a	NEW WALL CONSTRUCTION: EXIST. 2X WD. STUDS W/ NEW BATT INSULATION, 1/2" RESILIENT CHANNELS & 2-LAYERS OF 5/8" TYPE 'X' GYP. BD.	1-HR MC 722.2.1.4(2)
3a	NEW WALL CONSTRUCTION: 2X4 WD. STUDS @ 16" O.C. W/ 5/8 TYPE 'X' GYP. BD. ON BOTH SIDES	1-HR UL #U305
3b	NEW WALL CONSTRUCTION: 2X4 WD. STUDS @ 16" O.C. W/ 2-LAYERS 5/8" GYP. BD. ON 1 SIDE	
3c	NEW WALL CONSTRUCTION: 2X4 WD. STUDS @ 16" O.C. W/ 2-LAYERS 5/8" GYP. BD. ON 1 SIDE	
3d	NEW WALL CONSTRUCTION: 2X4 WD. STUDS @ 16" O.C. W/ 5/8" GYP. BD. ON BOTH SIDES (PROVIDE TILE BACKER BOARD @BATHROOMS WHERE C.T. WALL TILE IS USED) UP TO U/S OF STRUCTURE. (TILE ON BOTH SIDES)	
3e	NEW WALL CONSTRUCTION: 2X4 WD. STUDS @ 16" O.C. W/ 5/8" GYP. BD. ON BOTH SIDES (PROVIDE TILE BACKER BOARD @BATHROOMS WHERE C.T. WALL TILE IS USED) UP TO U/S OF STRUCTURE. (TILE ON BOTH SIDES)	
3f	NEW WALL CONSTRUCTION: 2X4 WD. STUDS @ 16" O.C. W/ 5/8" GYP. BD. ON ONE SIDE. (PROVIDE TILE BACKER BOARD @BATHROOMS WHERE C.T. WALL TILE IS USED) UP TO U/S OF STRUCTURE. (TILE ON ONE SIDE)	
4a	NEW WALL CONSTRUCTION: 2X4 WD. STUDS @ 16" O.C. W/ 5/8 TYPE 'X' GYP. BD. ON BOTH SIDES	
4b	NEW WALL CONSTRUCTION: 2X6 WD. STUDS @ 16" O.C. W/ 5/8 TYPE 'X' GYP. BD. ON ONE SIDE	
4c	NEW WALL CONSTRUCTION: 2X6 WD. STUDS @ 16" O.C. W/ 1/2" GYP. BD. ON BOTH SIDES (PROVIDE TILE BACKER BOARD @BATHROOMS WHERE C.T. WALL TILE IS USED) UP TO U/S OF STRUCTURE. (TILE ON ONE SIDE)	
4d	NEW WALL CONSTRUCTION: 2X6 WD. STUDS @ 16" O.C. W/ 5/8" GYP. BD. ON BOTH SIDES (PROVIDE TILE BACKER BOARD @BATHROOMS WHERE C.T. WALL TILE IS USED) UP TO U/S OF STRUCTURE. (TILE ON BOTH SIDES)	
4e	NEW WALL CONSTRUCTION: 2X6 WD. STUDS @ 16" O.C. W/ 2-LAYERS 5/8" GYP. BD. ON 1 SIDE	
5	NEW WALL CONSTRUCTION: FURRING. 2X WD. STUDS @ 16" O.C. W/ 5/8" GYP. BD. ON 1 SIDE	
6	NEW WALL CONSTRUCTION: COOLER PANELS BY COOLER MANUFACTURER	
7a	NEW WALL CONSTRUCTION: 2X4 WD. STUDS @ 16" O.C. W/ 5/8 TYPE 'X' GYP. BD. ON BOTH SIDES. (OWNER TO PROVIDE WALL FINISHES)	1-HR UL #U305
7b	NEW WALL CONSTRUCTION: 2X6 WD. STUDS @ 16" O.C. W/ 5/8 TYPE 'X' GYP. BD. ON BOTH SIDES. (OWNER TO PROVIDE WALL FINISHES)	1-HR UL #U305

GENERAL NOTES

1. ROOM FINISHES SUCH AS: CERAMIC TILE, PRP, PAINT, & ETC. TO BE DETERMINED BY OWNER, COORDINATE WITH PROJECT ARCHITECT.
2. KITCHEN AREAS: INSTALL 48" HIGH TILE BACKER BOARD (1/2" DENS-GLASS) AT BASE OF ALL WALLS.
3. TOILET ROOMS: INSTALL 5 8" XP 1/2" TILE BACKER BOARD 48"/48" HIGH AT BASE OF ALL WALLS. (SEE WALL TYPE) MOISTURE RESISTANT BD. ABOVE TO CLG; EXCEPT AT SHOWER AREAS TILE BACKER BOARD TO BE FULL HEIGHT OF WALL.
4. STUD PARTITIONS EXCEEDING 16 FT. IN HEIGHT SHALL BE BRACED TO STRUCTURE AT INTERVALS NOT TO EXCEED 16 FT.

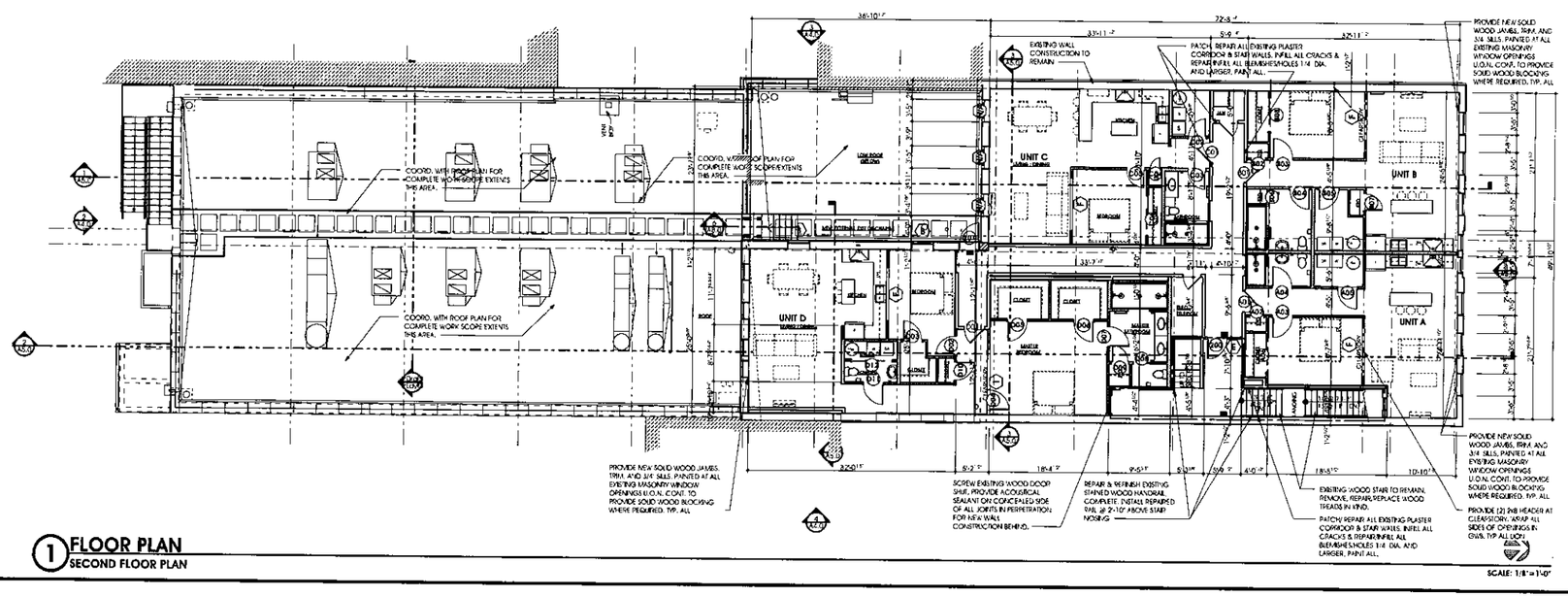
F.E. — INDICATES FIRE EXTINGUISHER

INDICATES NEW WALL CONSTRUCTION W/ SOUND BATTS OR ACOUSTIC FOAM @ INTERIOR WALLS & / OR INSULATION SPRAY FOAM @ EXTERIOR WALLS



2 FLOOR PLAN
THIRD FLOOR PLAN

SCALE: 1/8" = 1'-0"



1 FLOOR PLAN
SECOND FLOOR PLAN

SCALE: 1/8" = 1'-0"

NEWBERRY BREWERY
109 & 111 MAIN STREET
Batavia, New York 14020

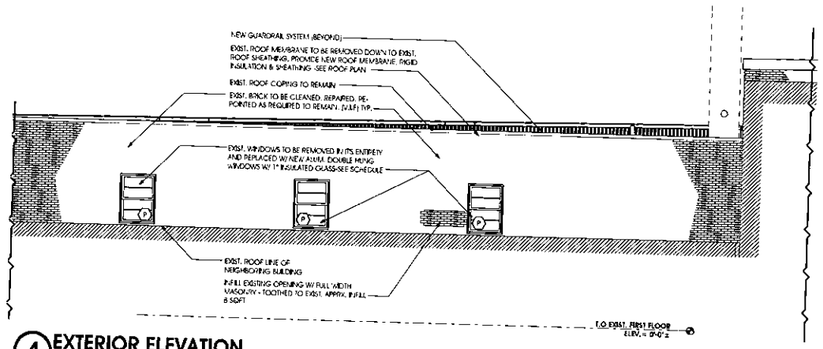
trm architect

ISSUE	DATE	REMARKS
1	27OCT2016	PLANNING BOARD REVIEW

SECOND & THIRD FLOOR PLANS

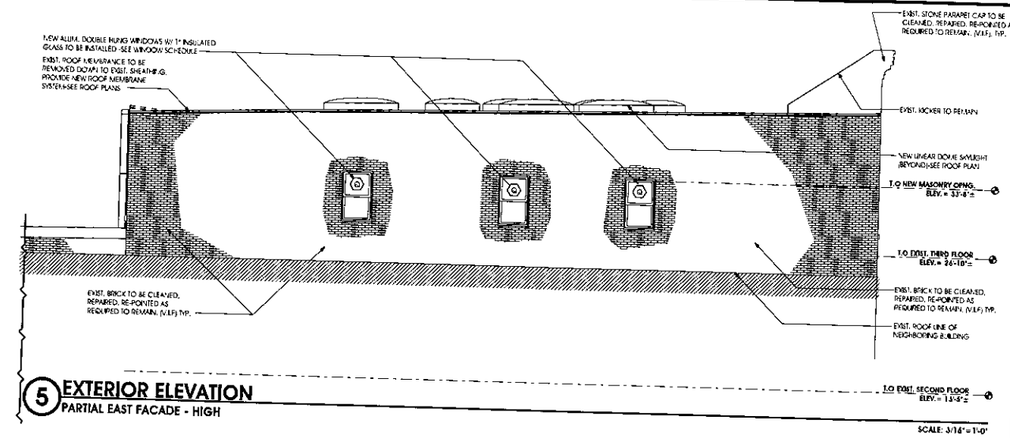
DRAWN BY: NAME
SCALE: AS NOTED
DATE: DD MM YYYY
JOB NUMBER: 3297
SHEET NUMBER: A1.1

PLOTTED ON:Friday, October 28, 2016



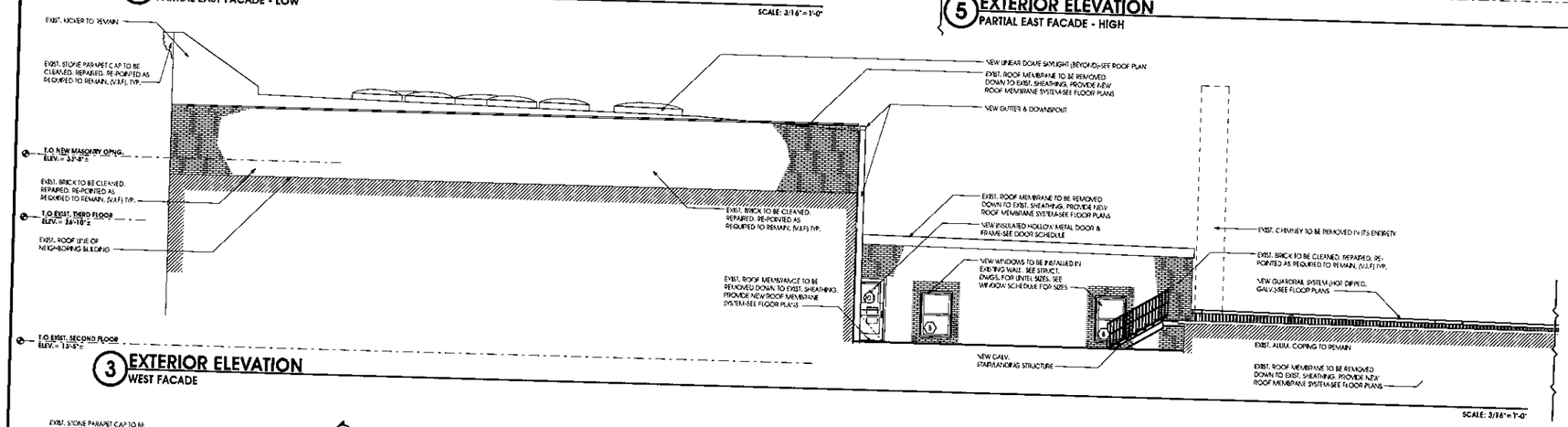
4 EXTERIOR ELEVATION
PARTIAL EAST FACADE - LOW

SCALE: 3/16" = 1'-0"



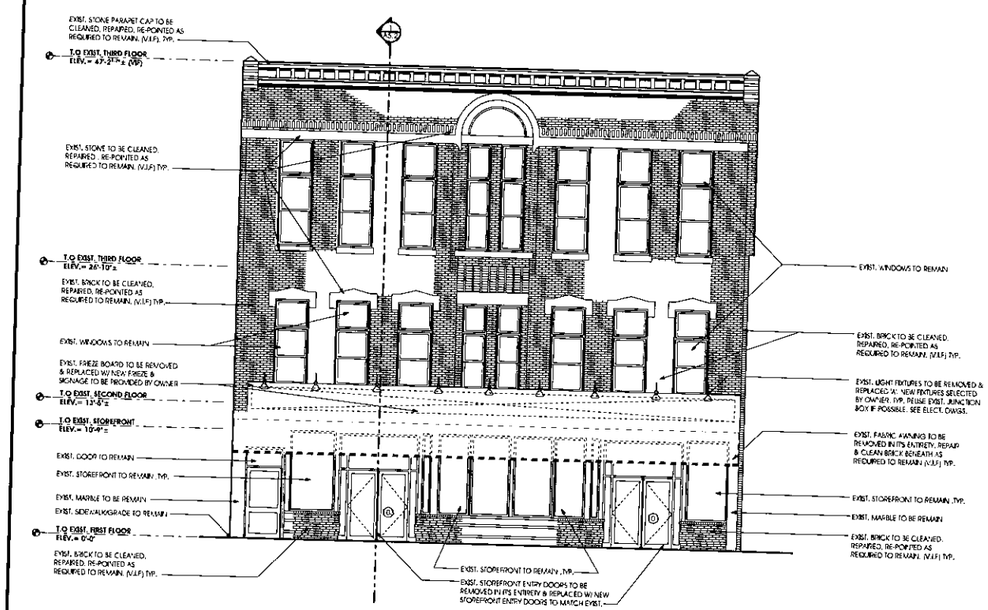
5 EXTERIOR ELEVATION
PARTIAL EAST FACADE - HIGH

SCALE: 3/16" = 1'-0"



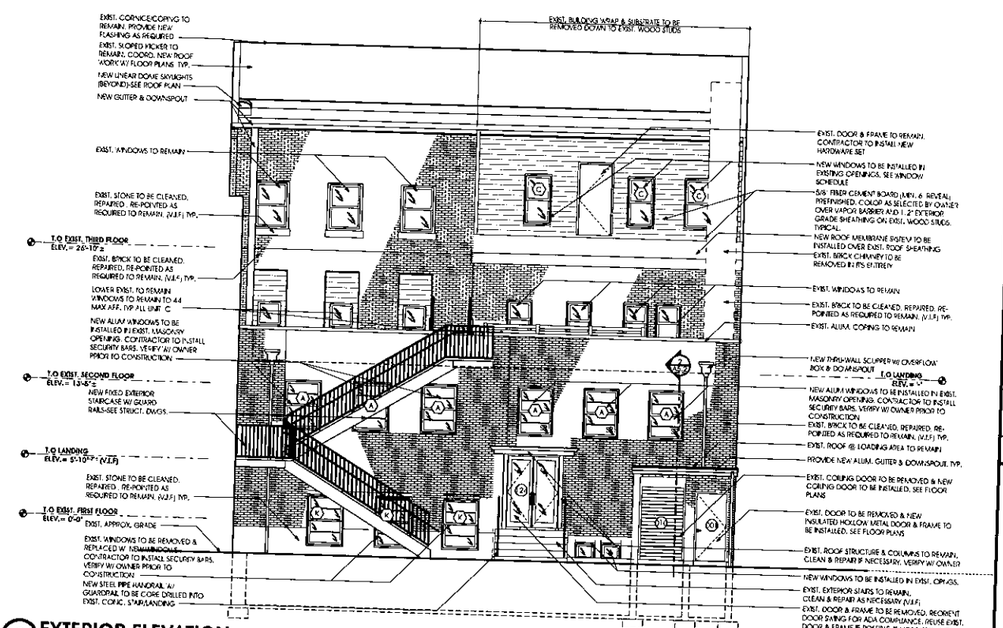
3 EXTERIOR ELEVATION
WEST FACADE

SCALE: 3/16" = 1'-0"



1 EXTERIOR ELEVATION
NORTH FACADE (FRONT)

SCALE: 3/16" = 1'-0"



2 EXTERIOR ELEVATION
SOUTH FACADE (REAR)

SCALE: 3/16" = 1'-0"

tmn architect
tom f. moscato, aia
2 mill street, batavia, new york 14020
716 815 4140

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NEWBERRY BREWERY
109 & 111 MAIN STREET
Batavia, New York 14020

ISSUE	DATE	TO-WARDS
1	27-OCT-2014	PLANNING BOARD REVIEW

EXTERIOR ELEVATIONS

DRAWN BY: NMR
SCALE: AS NOTED
DATE: DO Mm YYYY
JOB NUMBER: 3297
SHEET NUMBER: A4.0

Printed: 10:00 PM, Fri. 10-Oct-14, 2015

City of Batavia
Department of Public Works
Bureau of Inspections
One Batavia City Center, Batavia, New York 14020 (585)-345-6345 (585)-345-1385 (fax)

To: Genesee County Planning
Planning and Development Committee
Zoning Board of Appeals

From: Doug Randall, Code Enforcement Officer

Date: 11/1/16

Re: 151 Oak St.
Tax Parcel No. 71.018-1-18

Zoning Use District: R-1

The applicant, Estate of Adolph Mruczek through Michael DelPlato, Esq., has filed an application to construct a two story, two family dwelling on this vacant parcel located within the R-1 residential use district.

Review and Approval Procedures:

County Planning Board- Pursuant to General Municipal Law 239 m, referral to the County Planning Board is required since the property is within 500 feet of the right of way of a state road or highway

City Planning and Development Committee- Pursuant to 190-49 C the Planning and Development Committee shall make recommendations to the ZBA regarding applications for variances that include non-permitted uses. Also; 190-44D(1) The PDC will perform a "sketch plan review" of the proposed site plan in order to provide the applicant direction prior to the final site plan submittal.

NOTE: Per Section 190-44 C(d) of the zoning ordinance, the Planning and Development Committee shall perform site plan review for use variance applications that increase lot coverage by more than 3% or 1,300 sq.' This proposal will be resubmitted to the PDC for site plan approval following the granting of a use variance.

Zoning Board of Appeals- Pursuant to BMC Sec. 190-49 of the zoning ordinance, the ZBA shall review and act on required variances.

Required variances- Use

BMC 190-8 A Two family dwellings are not listed as approved principal uses in the R-1 residential use district.

The ZBA will be the lead agency to conduct SEQR of this non-listed action.

SEND OR DELIVER TO:
GENESEE COUNTY DEPARTMENT OF PLANNING
3837 West Main Street Road
Batavia, NY 14020-9404
Phone: (585) 344-2580 Ext. 5467

DEPARTMENT USE ONLY:
GCDP Referral # _____

* GENESEE COUNTY * PLANNING BOARD REFERRAL

Required According to:
GENERAL MUNICIPAL LAW ARTICLE 12B, SECTION 239 L, M, N
(Please answer ALL questions as fully as possible)

1. REFERRING BOARD(S) INFORMATION

Board(s) PDC and ZBA
Address One Batavia City Centre
City, State, Zip Batavia, NY 14020
Phone (585) 345 - 6347 Ext.

2. APPLICANT INFORMATION

Name Estate of Adolph Mruczek C/O Michael DelPlato Esq.
Address 73 Main St.
City, State, Zip Batavia, Ny 14020
Phone (585) 344 - 1050 Ext. Email mdelplato@delplatocaseyla

MUNICIPALITY: ☒ City ☐ Town ☐ Village of Batavia

3. TYPE OF REFERRAL: (Check all applicable items)

- ☐ Area Variance
- ☒ Use Variance
- ☐ Special Use Permit
- ☐ Site Plan Review
- ☐ Zoning Map Change
- ☐ Zoning Text Amendments
- ☐ Comprehensive Plan/Update
- ☐ Other: _____

Subdivision Proposal
- ☐ Preliminary
- ☐ Final

4. LOCATION OF THE REAL PROPERTY PERTAINING TO THIS REFERRAL:

A. Full Address 151 Oak St.
B. Nearest intersecting road Union St.
C. Tax Map Parcel Number 71.018-1-18
D. Total area of the property .33 acres approx. Area of property to be disturbed _____
E. Present zoning district(s) R-1

5. REFERRAL CASE INFORMATION:

A. Has this referral been previously reviewed by the Genesee County Planning Board?

☒ NO ☐ YES If yes, give date and action taken _____

B. Special Use Permit and/or Variances refer to the following section(s) of the present zoning ordinance and/or law

BMC 190-8 A

C. Please describe the nature of this request Approval of a use variance to construct a two family dwelling on this vacant parcel located within the R-1 residential use district.

6. ENCLOSURES – Please enclose copy(s) of all appropriate items in regard to this referral

- ☒ Local application
- ☒ Site plan
- ☐ Subdivision plot plans
- ☒ SEQR forms
- ☐ Zoning text/map amendments
- ☐ Location map or tax maps
- ☐ Elevation drawings
- ☐ Agricultural data statement
- ☐ New or updated comprehensive plan
- ☒ Photos
- ☒ Other: Cover letter

If possible, please provide a reduced version or digital copy of any supporting documentation larger than 11 x 17. Email to planning@co.genesee.ny.us

7. CONTACT INFORMATION of the person representing the community in filling out this form (required information)

Name Douglas Randall Title Code Enf. Officer Phone (585) 345 - 6327 Ext.
Address, City, State, Zip One Batavia City Centre, Batavia, NY 14020 Email drandall@batavianewyork.com

By 9/29 for 11 Co 10/15
By 10/27 Co 11/10 11/15 Cty 11 ZBA

CITY OF BATAVIA

APPLICATION TO THE ZONING BOARD OF APPEALS

Application No.: 16-18

Hearing Date/Time:

PAID
NOV - 8 2016
CITY OF BATAVIA
CLERK-TREASURER

APPLICANT: Frederick Mauczek
Name — E-Mail Address

1 Valle Dr.
Street Address — Phone — Fax

Batavia — NY
City — State — Zip

STATUS: ___ Owner — X Agent for Owner — X Contractor

OWNER: Estate of Adolph Mauczek
Name — E-Mail Address

8810 Rollin Circle
Street Address — Phone — Fax

Batavia — NY — 14020
City — State — Zip

LOCATION OF PROPERTY: 151 Oak St. Batavia NY

DETAILED DESCRIPTION OF REQUEST: Use Variance to permit Construction of 2 Family Structure in R-1 Zone

Applicant must be present at the hearing date. Failure to do so will result in the application being discarded. It is the responsibility of the applicant to present evidence sufficient to satisfy the Zoning Board of Appeals that the benefit of the applicant does not outweigh the health, safety, morals, aesthetics and general welfare of the community or neighborhood.

Fred Mauczek — 10/27/16
Applicant's Signature — **Date**

X Susan S. Hoy Ex — 10/27/16
Owner's Signature — **Date**

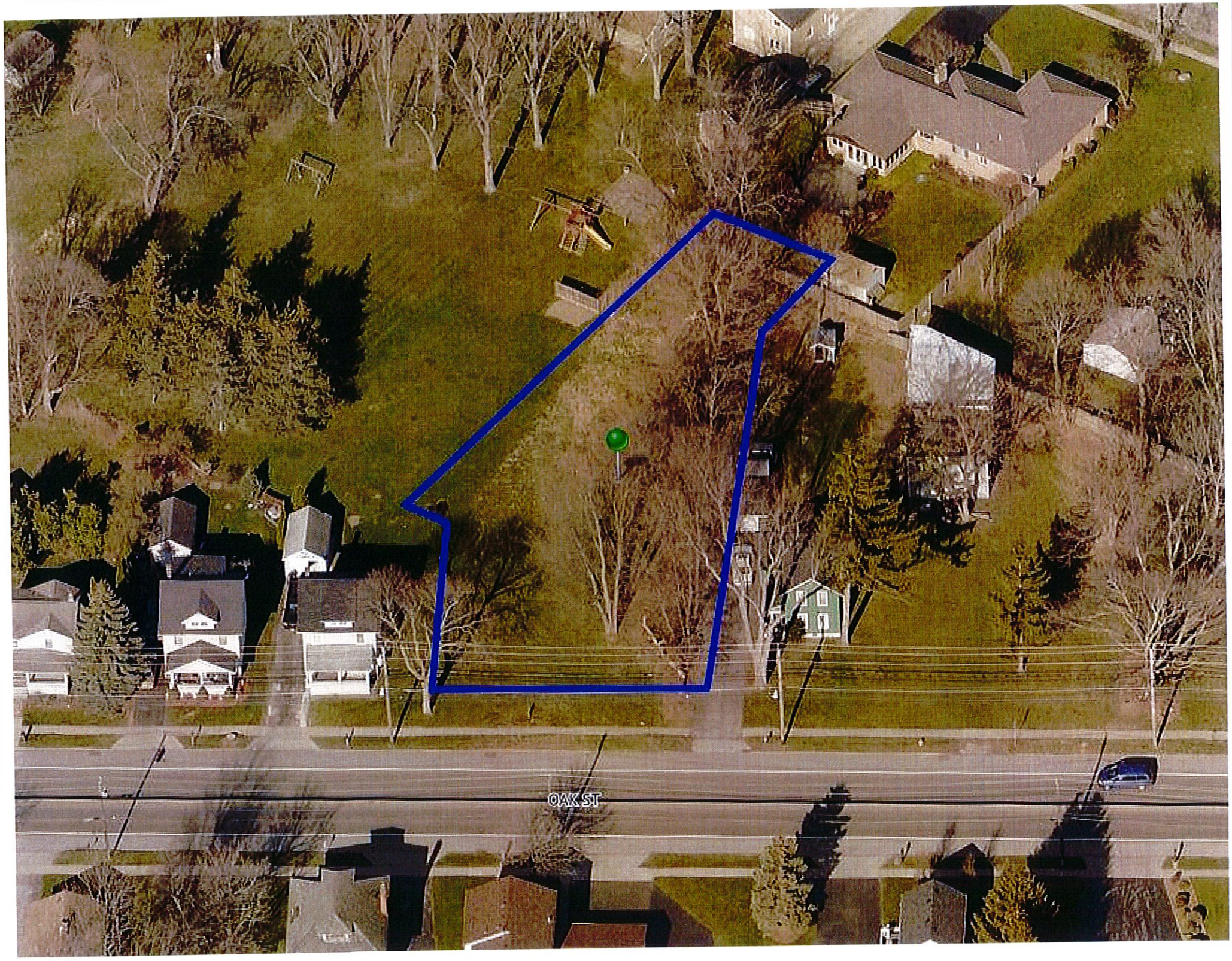
To be Filled out by Zoning Officer

TAX PARCEL: 71.018-1-18 **ZONING DISTRICT:** R-1 **FLOOD PLAIN:** No

TYPE OF APPEAL:
___ Area Variance
✓ Use Variance
___ Interpretation
___ Decision of Planning Committee

FEE:
✓ $50 (One or Two Family Use)
___ $100 (All other Uses)

Provision(s) of the Zoning Ordinance Appealed: BMC 190-8 A. Two Family dwellings are not on the list of approved principal uses.


OAK ST

Use Variance Application

Statement of Unnecessary Hardship

In order for the Zoning Board of Appeals to grant a use variance, an applicant must show documentation in the record that the restrictions of the Zoning Ordinance has caused unnecessary hardship. In order to prove such unnecessary hardship the applicant shall demonstrate to the Zoning Board of Appeals that for each and every permitted use under the Zoning Ordinance for the particular district where the property is located, that all four (4) requirements as per §81-b of the General City Law have been proven. Additional documentation may be included. If any one of these requirements have not been proven, the Zoning Board of Appeals must deny the variance, as per §81-b of the General City Law.

Explain **how** the request conforms to EACH of the following requirements (additional pages may be attached):

1. **Reasonable Return.** The subject property is not capable of yielding a reasonable rate of return if used for its present use or developed, redeveloped or used for any other use permitted in the district in which such property is located. There is no means other than the granting of the variance by which the property can yield a reasonable return. Such inability to yield a reasonable return must be shown by specific fact (dollars and cents) from an expert or authority in economic deprivation, not the unsupported opinion of the owner or those appearing for the owner.

   "The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence"

   See Attached Supplement

   (Please provide / attach competent financial evidence)

2. **Unique Hardship.** The inability to yield a reasonable return results from a unique circumstance peculiar to the subject property which does not apply to or affect other properties in the immediate vicinity that are subject to the same regulations. The personal situation of the owner shall not be considered unique.

   "The alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood"

   See Attached

3. **Essential Character of the Neighborhood.** The granting of the variance will not be materially detrimental to the public health, safety, and welfare or injurious to the enjoyment, use or development of neighboring properties or the community. Applicant must demonstrate that the proposed use will not change the essential character of the neighborhood with regard to such physical and environmental elements such as parking, traffic, signage, landscape, architectural and structural features, location and dimensions of buildings, any by-products of proposed use such as noise or smoke, and any other impacts upon adjacent or neighboring lands.

"The requested use variance, if granted, will not alter the essential character of the neighborhood"

See Attached

4. **Not Self-Created.** The inability to yield a reasonable return is not the result of any action by the owner or predecessors in title. The applicant must show that when the property was purchased the zoning restrictions from which a use variance is now sought were not in existence or that some other change or factor has occurred that has resulted in an inability to yield a reasonable return. Otherwise, the hardship is self-created.

"The alleged hardship has not been self-created"

See Attached

x Snow S. Hay Esq 10/27/16

Applicant's Signature **Date**

x Berlamin Munson 10/27/16

10/27/16

Provider of Financial Evidence **Date**

USE VARIANCE

Statement of Income and Expense

All Entries Must be Completed and Documented for at Least Two (2) Calendar Years or From the Date of Purchase Whichever is Less

PROPERTY ADDRESS: 151 OAK ST. BATAVIA N.Y.

A. PROPERTY DATA

1. Date property was purchased by current owner: March 1981
2. Was a Certificate of Occupancy issued? No
   Date of Issuance?
   If so, for what use(s)?
   If not, why?
3. Cost of Purchase $15,000
4. a) Amount of Mortgage 0 Interest Rate
   Mortgage Holder Duration
   Address

   b) Amount of Mortgage Interest Rate
   Mortgage Holder Duration
   Address

   c) Amount of Mortgage Interest Rate
   Mortgage Holder Duration
   Address
5. Is the property for sale? Yes
   If so, for how long over 12 years
   asking price 22,000
   for what use(s) Single Family
   Have any offers been received No
   If so, for what amount(s)

   Summarize any attempts to sell the property Listed by owner 10 years by Realtor 2+ years

6. Present value of property 10,000 or less
   Source(s) Realtor / Appraiser

B. GROSS ANNUAL INCOME [BASED ON PERMITTED USE(S)]

	USE	INCOME
1.		See Attached Supplement
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		

TOTAL RENTAL INCOME _____
LESS VACANCY FACTOR _____
(Attach explanation if greater than 8%)
TOTAL GROSS INCOME _____

C. ANNUAL EXPENSES

1. Annual Fixed Charges
   Real Estate Taxes (City & County) See Attached Supplement
   Insurance..... _____
   Average Annual Interest (over next 5 years) _____

2. Operating Expenses
   Electric..... _____
   Fuel..... _____
   Water..... _____
   Advertising..... _____
   Miscellaneous (attach explanation) _____

3. Maintenance Expenses (attach list)
   Repairs..... _____
   General Building Maintenance..... _____
   Yard and Ground Care..... _____
   Miscellaneous..... _____

TOTAL ANNUAL EXPENSES _____
Profit or Loss _____

D. TOTAL INVESTMENT

1. Down payment..... See Attached
2. Capital Improvements (attach list) _____
3. Principal Paid to date (original mortgage less current principal balance)..... _____

TOTAL INVESTMENT _____
(Sum of D1, D2, & D3)

E. RATE OF RETURN = Profit or Loss

TOTAL INVESTMENT See Attached

Signature of Preparer **Date** 10/27/11

Attorney Developer/Builder
Profession of Preparer

SUBMISSION TO CITY OF BATAVIA ZONING BOARD OF APPEALS

RE: 151 OAK ST. BATAVIA NY USE VARIANCE

1 . APPLICATION TO ZONING BOARD OF APPEALS;
2. SHORT FORM ENVIRONMENTAL ASSESSMENT;
3. USE VARIANCE APPLICATION AND STATEMENT;
4. SUPPLEMENT WITH ATTACHMENTS:
   A. STREET SALES REPORT OAK ST. 24 MONTHS;
   B. 1981 ORDINANCE WITH PAGES 30.13, 30.14 AND SCHEDULE I;
   C. LETTER OF JOHN GERACE REALY USA, WITH ATTACHMENTS;
   D. OARS PRINTOUT OF 153 OAK STREET;
   E. SURVEYORS MAP OF PROPOSED HOUSE AND DRIVEWAY LOCATION;
   F. PHOTOS(2) OF EXISTING LOT;
   G. PHOTOS(2) OF PROPOSED HOUSE FRONT AND REAR;
   H. PHOTOS(6) OF INTERIOR DETAIL OF TYPICAL BUILD QUALITY.

RESPECTFULLY

THE ESTATE OF ADOLPH MRUCZEK

FREDERICK MRUCZEK

USE VARIANCE APPLICATION SUPPLEMENT

BACKGROUND

The Estate of Adolph Mruczek owns the vacant parcel at 151 Oak Street in the City of Batavia. The property was purchased in 1981 for $7500.00 and Mr. Mruczek purchased the lot to build a duplex on the lot which was permitted at the time. In the interim, changes to his wife's health and her death, his health and his death and changes to the Zoning Ordinance bring up before the Board. Mr. Mruczek maintained the vacant lot and paid taxes on it until his death in January 2013. His son, Frederick Mruczek, has maintained the property since then and the Estate has paid the taxes.

The lot is the last asset of the Estate to be liquidated. Adolph Mruczek had the lot for sale for about 10 years before his death. No offers were ever made on the property. After his death, the property was listed for over two years with Bob Harris/Realty USA through John Gerace, Realtor. No offers were received and only two inquiries were made.

Frederick Mruczek is willing to buy the lot from the Estate if he can develop it as a two-family dwelling. The lot is zoned R-1. A two-family dwelling is not permitted under the present Zoning Ordinance. A use variance is required.

The within analysis will address the four factors to be addressed for a use variance:

1. **Reasonable Return.** The property is a vacant parcel of land on Oak Street, City of Batavia. The annual taxes are $1,016.00. The property is a liability for the Estate. It produces no income. Taxes alone are $1,000.00 per year.

   No permitted use of the property would yield a reasonable return.

   Permitted uses under the Zoning Ordinance to be considered are:

   - Single family dwelling – discussed below;
   - Church, place of worship, etc. No such use available. Neither owner nor developer are clergy. Lot too small for building, parking and related uses;
   - Library, school, museum, etc. Lot too small for building, parking, etc. No demand or need;
   - Park, playground, etc. Lot too small. Lack of need. Proximity to Route 98 truck route and safety concerns;
   - Golf course. Not practical. Size limitations. Parking, etc.
   - Agricultural operation. Not practical in City. Area is a "run" for deer and other wildlife. Greenhouses would not be permitted on the lot. Size of lot limits agricultural use.

   The only permitted use available is a single family dwelling under R-1 zoning. Based upon advice of Robert Gerace, realtor and Robert Shell, appraiser, the lot is not

conducive to single family dwelling because of cost of construction, character of neighborhood, particularly vehicle and truck traffic day and night.

The developer could not construct and sell a conventional single family home in this area. A typical square footage of 1800 sq. ft. at $140.00 per sq.ft. would be $252,000.00. The house to the south is assessed for $60,000.00 and to the north $39,000.00.

As an investor, the developer would seek to build a two family dwelling. A single family rental unit would not provide a reasonable return or sufficient return based on the analysis below:

Analysis of Single Family Dwelling vs. Two Family Dwelling.

Single Family Dwelling

1300 sq.ft. @ $140.00/sq.ft. finished with landscaping and driveway		$182,000.00
20% Downpayment;		
30 year finance at 80% at 6% - $145,600 @6.00 per $1,000.00		$873.60
Taxes (estimate)		600.00
Insurance		60.00
Maintenance		200.00
Total Monthly Expenses		$1733.60
Rental Income	$1300-$1500/mo	
Say $1400.00 X 12 months = $16,800 less 5% vacancy = $15960.00 annually		
	Monthly	$1330.00
NET PROFIT (LOSS)		($403.60)

****Resale opportunity for single family dwelling is non-existent based on size of house and location.**

Two Family Dwelling

2200 sq. ft. @ $125.00/sq.ft.		$275,000.00
20% Downpayment;		
30 year finance at 80% at 6% - $220,000 @ $6.00 per $1,000.00		$1320.00
Taxes (estimate)		650.00
Insurance		60.00
Maintenance		200.00
Totally Monthly Expenses		$2230.00
Rental Income	$1200-$1300 per unit/mo.	
Say $1250.00 X 2 X 12 months = $30,000.00 less 5% vacancy = $28500 annually		
	Monthly	$2375.00
NET PROFIT		$145.00/mo.

The above analysis is developed based on input from Frederick Mruczek, the builder, Robert Shell appraiser and Michael DelPlato, attorney. Information regarding re-sale possibility also from Robert Gerace, realtor.

2. **Unique Hardship.**
   This is an older neighborhood. There is no demand for new single family homes on Oak Street. There are few if any vacant lots available for development on Oak Street and none in this neighborhood. Neither the construction of a single family dwelling for re-sale or as rental property are reasonable or possible.

   Because this district or neighborhood is an older established area, the prices of home have been established by sales and assessments in the $60,000-$80,000 range as shown by the City Assessment records and average sales on this street per attached Street Sales Report from OARS.

   The two family dwelling is the best use of the property. The attached Street Sales Report shows a range of sales as above except for two properties, one sold for $135,000 (1892 sq.ft. ranch or $136 sq.ft) and $147,000 (2578 sq.ft. with garage and inground pool or $57.02 sq.ft.)

   This is also a unique situation since the intended use was, arguably, a permitted use under the Zoning Ordinance that existed at the time of the purchase of the property and continued until the Zoning Ordinance changed until 1999. This would be further addressed in #4 below.

3. **Essential Character of the Neighborhood.**
   The proposed two family structure will not be detrimental to the neighborhood. The developer has filled his units mostly with empty nesters and retired persons or low density occupancy. The neighborhood is mainly single family dwellings. The property to the north is an older home assessed for $39,000 based upon an actual sales price closed on 5/30/2014 (see attached OARS printout). That property had been for sale for nearly one year. The property to the south is assessed for $60,000.

   The lot is vacant. The development of the lot will result in the removal of much of the brush and older trees on the property. That together with the construction of a new dwelling will enhance the neighborhood.

   The request for two-family dwelling is a minimal request for variance. It is not a request for a commercial or more onerous use.

   The request before this Board is to permit the developer to use an underutilized property that has been vacant for years to be developed into an attractive two-family dwelling to enhance the neighborhood and increase the tax rolls.

4. **Not Self-Created.**
This lot is an island in an area that is totally developed. Adolph Mruczek purchased the lot in 1981. Susan Hoy, his daughter and Executor of the Estate and Frederick Mruczek, the developer contend that Adolph was advised he could build a two-family dwelling when the lot was purchased. However, we have been unable to find a change in zoning in that area through City records. Our research has indicated that the property has been zoned R-1 for many years and was zoned R-1 at the time Adolph Mruczek purchased it. However, under the 1981 Zoning Ordinance, (see attached page 30.13, 30.14 and 30.43 from former Zoning Ordinace) while the property was zoned R-1, a two-family was permitted in the R-1 district as were multi-family and large scale developments. Mr. Mruczek bought this lot with some reasonable assurance that it could be developed as a two-family dwelling. At most, he might have had to apply for area variance based on the frontage but the lot would appear to support the lot area requirement and the minimum yard requirements. The hardship of the current zoning classification is not self-created. It is a result of the 1999 Amendment to the Zoning Ordinance wherein the R-1 district was amended to included single family dwellings only.

Adolph Mruczek had this lot listed for sale for more than 10 years. He received no interest in the purchase of the lot. John Gerace had this property listed for sale for over 2 years. He had no offers and phone inquiries which ended shortly after he advised that this was zoned for single family dwelling only.

Frederick Mruczek is willing to take the investment risk to develop the property into a two-family dwelling. There has been no other interest in this property for years. A variance to permit a two-family dwelling in this district is requested. It is a minimal variation from the Zoning Ordinance. It was arguably a permitted use at the time the lot was purchased. It is fair and equitable to grant the variance to provide relief from the changes brought about by the Amendment to the Zoning Ordinance.

The information developed in this analysis has been developed in conjunction with Susan Hoy, Executrix, Frederick Mruczek, Developer, Robert Shell, Appraiser, Michael DelPlato, Attorney and Robert Gerace, Broker.

Thank you for your kind consideration.

Susan S. Hoy Ex.

SUSAN S. HOY

FREDERICK MRUCZEK

MICHAEL A. DELPLATO

Street Sales Report

All Sales on OAK ST Over the Last 24 Months

Properties Found	8
Average Assessed Value	$88,625
Average Sale Value	$88,900

Records Found: 8 (Displaying 100 per page)

Page
1 of 1

Photo	Address	SBL #	Sale Price - Sale Date	Total Assessed Value	Property Type Building Style	Lot Size	Year Built	SQFT
	164 OAK ST, Batavia	71.018-2-36	$98,400 - 8/23/2016	$92,000	Residential - 1 Family Res Old style	150 x 168	1875	1,784
	103 OAK ST, Batavia	84.006-2-6	$160,000 - 8/9/2016	$147,000	Residential - 1 Family Res Old style	112.6 x 228.51	1910	2,578
	18 OAK ST, Batavia	84.040-1-25	$65,000 - 3/28/2016	$56,000	Residential - 1 Family Res Old style	40 x 170	1900	1,288
	49-51 OAK ST, Batavia	84.024-1-36.2	$40,000 - 12/21/2015	$62,000	Residential - 1 Family Res Old style	71.9 x 115	1836	1,056
	182 1/2 OAK ST, Batavia	71.018-2-1	$69,900 - 10/28/2015	$70,000	Residential - 1 Family Res Ranch	115 x 160	1925	1,136
	46 OAK ST, Batavia	84.032-1-6	$78,000 - 10/15/2015	$72,000	Residential - 1 Family Res Old style	40 x 163	1925	1,524
	100 OAK ST, Batavia	84.006-2-52	$114,900 - 9/10/2015	$135,000	Residential - 1 Family Res Ranch	115 x 116	1947	1,892
	170 OAK ST, Batavia	71.018-2-38	$85,000 - 11/17/2014	$75,000	Residential - 1 Family Res Old style	78.8 x 266	1939	1,308

Records Found: 8 (Displaying 100 per page)

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CITY OF BATAVIA, N. Y.

ZONING ORDINANCE

EFFECTIVE JANUARY 1981

ARTICLE III

RESIDENTIAL DISTRICTS

§ 30.31 R-1 Residential Districts

In R-1 Residential Districts, no building or structure shall be erected, altered, or extended and no land, building, structure, or part thereof shall be used for other than one or more of the following uses:

A. Permitted principal uses.

1. Dwelling.

2. Church or other place of worship, convent, parish house, cemetery.

3. Public library, public museum, public school, parochial school, school operated by a non-stock corporation under the Education Law of the State, any institution of higher learning but not dormitory accommodations.

4. Public park not conducted for profit, public playground or athletic field and field house or other accessory buildings.

5. Golf course, except a miniature golf course operated on a commercial basis.

6. Agricultural operations, including gardens, nurseries, greenhouses and usual buildings or structures. No greenhouse heating plant shall be less than one hundred feet (100') from any lot line.

B. Permitted accessory uses.

1. Such accessory uses as are customarily incidental to the above uses, subject to the provisions of § 30.81.

2. Off-street parking, subject to the provisions of § 30.85.

3. Signs subject to the provisions of § 30.89.

C. Uses permitted with special use permits.

1. Municipal or public utility structures or facilities when necessary for the service of a neighborhood and of a kind and character

in keeping with the residential character of the neighborhood.

2. Large scale multi-family developments.

§ 30.32 R-2 Residential Districts

In R-2 Residential Districts no building or structure shall be erected, altered, or extended, and no land, building, structure, or part thereof shall be used for other than one or more of the following uses:

A. Permitted principal uses.

1. Any principal use permitted in R-1 Residential Districts.

2. Hospital, day nursery, sanitarium, nursing or convalescent home for the treatment of human beings, philanthropic or eleemosynary institutions, other than a penal or correctional institution. [Amd Ord 3/9/81 by deleting "other than the mentally ill, mentally retarded, epileptic, drug or liquor patients" after "human beings".]

3. Boarding house, lodging house, rooming house, tourist home, but not tourist camps or cabins.

B. Permitted accessory uses.

1. Such accessory uses as are customarily incidental to the above uses including home occupations and home professional uses subject to the provisions of § 30.81 excepting physicians' and dentists' offices.

2. Off-street parking, subject to the provisions of § 30.85.

3. Signs subject to the provisions of § 30.89.

C. Uses permitted with special use permit.

1. Municipal or public utility structures, and/or facilities when necessary for the service of a neighborhood and of a kind and character in keeping with the residential character of the neighborhood.

2. Large scale multi-family developments.

§ 30.33 R-3 Residential Districts

In R-3 Residential Districts no building or structure shall be erected, altered or extended, and no land, building, structure or part thereof shall be used for other than one or more of the following uses:

SCHEDULE I

DIST	PRINCIPAL Uses not listed: use first line for each District	MINIMUM[1] Lot Area (sq. ft)	MINIMUM[1] Frontage (ft)	MAX COV (%)	MAX[2] HGT. (ft)	MINIMUM YARDS (ft.) Frt	Side[3] Min	Side[3] Tot.	Rear
R-1	One-Family	12,000	90	20	35	25	10	25	35
	Two-Family	16,000	90	20	35	25	10	25	35
	Multi-Family (Add'l ea. family over 2)	+5,000	90	20	35	25	10	25	35
	Place of Worship	20,000	100	20	35	25	10	25	35
	Public uses	20,000	100	20	35	25	10	25	35
	Large-scale Multi-Family Developments	Min 6 units not over 6 per acre	150	20	35	25	15	30	35
R-2	One-Family	8,000	75	25	35	20	8	20	35
	Two-Family	10,000	75	25	35	20	8	20	35
	Multi-Family (Add'l ea. family over 2)	+3,000	75	25	35	20	8	20	35
	Place of Worship	12,000	90	25	35	25	10	25	35
	Public Building	12,000	90	25	35	25	10	25	35
	Large-scale Multi-Family Developments	Min 6 units not over 12 per acre	100	25	35	25	15	30	35
R-3	One-Family	5,000	50	30	40	20	8	20	35
	Two-Family	6,000	50	30	40	20	8	20	35
	Multi-Family (Add'l ea. family over 2)	+1,500	50	30	40	20	8	20	35
	Place of worship	7,500	60	30	40	25	10	25	35
	Public Building	7,500	60	30	40	25	10	25	35
	Large-scale Multi-Family Developments	Min 6 units not over 20 per acre		30	40	25	15	30	35
	Professional Offices[4]	10,000	75	30	40	35	12	25	35
	High Rise Apartment[5]		100	40		35	35	35	35

1 May be varied according to the preceding provision of Art. VII.
2 Towers and steeples may extend to a height of 80' maximum.
3 The side yard of corner lot adjacent to a street shall be considered as a front yard.
4 Minimum yard requirements are for new construction only.
5 For every foot the building height is in excess of 70', the minimum yard requirements shall be increased by one-half of one foot
6 Parking and loading space shall not cover more than an additional 40% of the lot.

October 26,2016

Mr. Michael DelPlato,Esq.
73 Main Street
Batavia, NY 14020

Re: 151 Oak Street , .37 acre lot
Batavia, NY 14020

Dear Mr. DelPlato,

In reference to the above noted property our companies Bob Harris Realty,LLC and Realty,USA WNY,Inc. had the subject listed for sale from 9/18/2013 until 7/31/2015. We also had our sign on the property for an additional 6 months after the listing had expired.

During the listing period we had only 2 inquiries on the property. I believe in my professional opinion the property has not appealed to a potential purchaser is the current zoning of the property. The lot is currently zoned R1 which limits the development to only single family dwellings. I believe if the property was re zoned to allow multifamily dwellings it would definitely help the marketing of this property.

At current cost levels, it would not be advantageous to construct a single family dwelling on the subject and expect an favorable re sale value due to the location of the subject. I have attached a history of the listing for your convenience. If you have any other questions , please feel free to contact me.

Thank you,

John P. Gerace, CEA,CRS,GRI
Licensed Associate Real Estate Broker

REALTY USA,WNY,Inc.
6 Ellicott Avenue
Batavia, NY 14020

MLS #	Brk Cd	Agt ID	Address	DOM	Price	PT	Change Type	Eff Date	Chg Info	Chg
R263658	RUSA111	11519	151 Oak St	210	$22,000	LOT	X-Expired	07/31/15	A->X	08/
R263658	RUSA111	11519	151 Oak St		$22,000	LOT		01/02/15	->22000.00	01/
R263658	RUSA111	11519	151 Oak St		$22,000	LOT	New Listing	01/02/15	->A	01/
R244656	HRIS	11519	151 Oak St	272	$22,000	LOT	X-Expired	12/31/14	A->X	01/
R244656	HRIS	11519	151 Oak St		$22,000	LOT		04/03/14	->22000.00	04/
R244656	HRIS	11519	151 Oak St		$22,000	LOT	New Listing	04/03/14	->A	04/
R233546	HRIS	11519	151 Oak St	194	$22,000	LOT	X-Expired	03/31/14	A->X	04/
R233546	HRIS	11519	151 Oak St		$22,000	LOT		09/18/13	->22000.00	09/
R233546	HRIS	11519	151 Oak St		$22,000	LOT	New Listing	09/18/13	->A	09/

MLS#:	**R233546**	**Lots, Land, Farms, and Seasonal/Camps**			X-Expired
151 Oak St			VR Pricing: **No**	List Price:	**$22,000**
County:	**Genesee**	Zip:	**14020**	Sale Price:	
				Sell Concess:	
Town:	**Batavia-City**	Pstl City:	**Alexander**	Cross St:	**Richmond Avenue**
Area#:	**Batavia-City-180200**				
				Acres:	**0.37**
Subdivision:				Lot Front:	**82**
TxMap#:	**180200-071-018-0001-018-000**			Lot Depth:	**198**
City Nghbrhd:				Lot Shape:	**Irregular**
School Dist:	**Batavia**			Lot #:	
High School:	**Batavia High**			SqFt:	**15,354**
Middle School:	**Batavia Middle**			Type of Sale:	**Normal**
Elem School:	**Jackson**				
			# Attach: **1**	# Photo: **10**	

Listing Office Information

Offc Name:	Bob Harris Realty LLC (HRIS)	Offc Lic#:	
Offc Addr:	**6 Ellicott Ave** **Batavia, NY 14020**	Offc Phone:	**585-343-8366**
		Offc Fax:	**585-343-0915**
LA Name/ID:	John P. Gerace (11519)	LA Cell #	**585-303-0407**
LA Email:	johngerace@rochester.rr.com	LA Accpts Txt:	**No**
LA Dir Phone/Fax:	**585-343-8366 x14 /585-343-0915**	LA NY Lic#:	**30GE0694659**
Owner Name:	**Mruczek Estate**	Comp (SA):	**5%**
Owner 2:		Comp (BA):	**5%**
Owner Addr:		Comp (Brk):	**0**
		Exclusions:	**No**
Listing Type:	**Exclusive Right To Sell** Spc Conditions: **No**	List Date:	**09/18/2013**
Service Type:		Expire Date:	**03/31/2014**
Negotiation w/:	**Listing Broker Only**	DOM:	**194**

Show Appt/Desc: 585-303-0407/Agent;**Call List Agent for Showing Instructions**
Private Rmrks: **LISTING OFFICE TO HOLD DEPOSIT.**
Branded VT:
Unbranded VT:
Sub Board: **Rochester**

General Information

Type:	**Building Lot, Residential**	Improvement:			
Topography:	**Level**	Driveway Desc:	**None**		
Road Ft/Desc:	**State**	Buildings:	**None**		
Zoning:		Milk Mkt:		# Horse Stls:	**0**
Land Feat:	**Wooded - Partial**				
Bedrooms:	Baths:	Stories:		Rooms:	
On Wtrfrnt:	**No**			Footage:	
Name:		Island Name:	**NA**	Rip Rgts:	**No**
GOM Rgts Rsv:	**No**	Timber Rgts:	**No**		

Public Remarks: **Unique city building lot. All public utilities available. Partially wooded . Over 80' of frontage. Conveniently located to shopping, schools, 30 Minuets to Buffalo or Rochester, 1 minuet to the NYS Thruway. Must see to appreciate!!**

Directions: **Located on the West side of Oak Street (Route 98 North) Between Richmond Aveune and Burke Drive.**

Residence Information

Style of Res:		Garage:	
Exterior Cnstr:			
BR 1st Flr:	BR 2nd Flr:	BR 3rd Flr:	BR Basement:
FB 1st Flr:	FB 2nd Flr:	FB 3rd Flr:	FB Basement: **0**
HB 1st Flr:	HB 2nd Flr:	HB 3rd Flr:	HB Basement:

Kitchen:
Basement:
Floor:
Attic:
Addl Rooms:
Interior Feat:
Exterior Feat:
Appliances:
Accessibility:
Foundation:
Emerg Backup:
ENERGY STAR Qualified®:

Utilities Information

Utils on Site:	**None**		
HVAC Type:		Waste Disp:	**Public Storm Drain, Sewer Available**
Utils Avail:	**Cable, Electric, Gas, High Speed Internet, Sanitary Sewer, Storm Sewer, Telephone, Water**		
Heating Fuel:		Water Htr Fuel:	

Water Supply: **At Street, Public**
Type of Well:
Well Location:

Miscellaneous Information

Avail Docs: **Boundary Data**
Dev Status: **Raw Land**
Soil:
Restrictions:
Seller Provides:
Conditions: **Other - See Remarks**
Possible Uses: **Single Family Development**
Seller Stake in Lnd:
Addl Site Data:
Crop Acres:
Timber Acres:
Wooded Acres:
Tillable Acres:
Pasture Acres:

Financial Information

Possible Fin: **Cash Only, Conventional**
1st Mtg Bal:
Equity:
Town/Cnty Tax: **$234**
2nd Mrt Bal:
City/Vil Tax: **$220**
Tax Info:
Escrow Agt/Bnk: **BOB HARRIS REALTY,LLC/M&T BANK**
Assess Val: **$23,700**
School Tax: **$581**
Annl Spc Assess: **$0**
Total Taxes: **$1,035**
Orig. List Price: **$22,000**
PriceChg Time:

Display & Occupancy Information

Possession: **At Closing**
Lockbox Serial #:
Internet: **Yes** Inet St Addrs: **Yes** IDX: **No** AVM: **No** Blog: **Yes** Realtor.com: **Yes**

MLS#: **R233546**

John P. Gerace
NY Licensed Assoc. R.E. Broker
Realty USA WNY, Inc.
4909 Transit Road Depew, NY 14043

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Show all Images
View Parcel Documents

Property: 153 OAK ST, Batavia
SBL: 71.018-1-17

Assessment	
Total	$39,000.00
Total Land	$14,000.00
County Taxable (Genesee)	$39,000.00
Town Taxable	$39,000.00
School Taxable	$39,000.00
Village Taxable	$39,000.00
Equalization Rate	100%
Full Market Value	$39,000.00

Structure	
Site 1 of 1	
Year Built	1890
House Style	8 - Old style
Total SQFT	1407
1st Story SQFT	879
2nd Story SQFT	528
1/2 Story SQFT	0
3/4 Story SQFT	0
Add'l Story SQFT	0
Finished Attic SQFT	0
Finished Basement SQFT	0
Finished Rec Room SQFT	0
Finished Over Garage SQFT	0
Number of Stories	2
Overall Condition	2 - Fair
Exterior Wall Material	Wood
Bedrooms	4
Baths	1
Kitchens	1
Basement Type	Full
Central Air	No
Heat Type	2 - Hot air
Fuel Type	0 -
Fireplaces	0
Garage(s)	2 Car Detached
Garage(s) SQFT	450

Property Description	
Type	Residential
Use	210 - 1 Family Res
Ownership Code	-
Zoning	R-
Road Type	-
Water Supply	3 - Comm/public
Utilities	4 - Gas & elec
School District	Batavia City School - 180200
Neighborhood Code	300

Last Property Sale	
Sale Date	5/30/2014 1:44:51 PM
Sale Price	$39,000.00
Useable Sale	NO
Arms Length	NO
Prior Owner Name	Messina, John F
Deed Book	905
Deed Page	945
Deed Date	5/30/2014

Improvements

Site #	Description	Quantity	Condition	Year Built	SQFT	Dimensions
1	RP4 - Porch-enclsd	1	Normal	1890	77	0X0
1	FP2 - Poultry-2.0	1	Poor	1930	1200	24X50
1	RG4 - Gar-1.0 det	1	Fair	1930	450	18X25

Land

Site #	Land Type	Acres	Front	Depth	SQFT	Soil Rating

1	04 - Residual	0	0	0	1510	Land: 3 Rating:
1	01 - Primary	0	12	159	0	Land: 2 Rating:
1	01 - Primary	0	140	180	0	Land: 1 Rating:

Owner Information

Owner Name	Address 1	Address 2	City/State/Zip
Martin, Jerald E	3854 Pearl Street Rd		Batavia NY 14020

Exemptions

Code Description	Amount	Exemption %	Start Year	End Year
No Exemptions				

Special Districts

Code Description	Type	Primary Units	Secondary Units	Amount
No Special Districts				

617.20
Appendix B
Short Environmental Assessment Form

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information
Estate of Adolph Mruczek owner / Frederick Mruczek Developer

Name of Action or Project:
Use Variance

Project Location (describe, and attach a location map):
151 Oak St. Batavia NY 14020

Brief Description of Proposed Action:
Use Variance to permit construction of 2 Family Structure

Name of Applicant or Sponsor: Estate of Adolph Mruczek / Frederick Mruczek	Telephone: 409-3628
	~~E-Mail:~~ Fred 705-0618
Address: Estate 8820 Rollin Circle Batavia / Frederick 1 Valle Drive Batavia	
City/PO: Batavia	State: NY / Zip Code: 14020

	NO	YES
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.	X	
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:	X	

3.a. Total acreage of the site of the proposed action? .30 acres
b. Total acreage to be physically disturbed? .05 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? .30 acres

4. Check all land uses that occur on, adjoining and near the proposed action.
☒ Urban ☐ Rural (non-agriculture) ☐ Industrial ☐ Commercial ☒ Residential (suburban)
☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____
☐ Parkland

	NO	YES	N/A
5. Is the proposed action,			
a. A permitted use under the zoning regulations?	X		
b. Consistent with the adopted comprehensive plan?		X	

	NO	YES
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?		X

	NO	YES
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	X	

	NO	YES
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	X	
b. Are public transportation service(s) available at or near the site of the proposed action?		X
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	X	

	NO	YES
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	X	

	NO	YES
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____		X

	NO	YES
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____		X

	NO	YES
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	X	
b. Is the proposed action located in an archeological sensitive area?	X	

	NO	YES
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	X	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	X	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:

☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional

☐ Wetland ☒ Urban ☐ Suburban

	NO	YES
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	X	

	NO	YES
16. Is the project site located in the 100 year flood plain?	X	

	NO	YES
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,		
a. Will storm water discharges flow to adjacent properties? ☒ NO ☐ YES		X
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: ☒ NO ☐ YES _____		

	NO	YES
18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size:	X	
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	X	
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	X	

I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor name: Estate of Adolph Mavezek Date: 10/27/16

Signature: Simon S. Hoy 10/27/16

Kurt Murzych

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?		
2. Will the proposed action result in a change in the use or intensity of use of land?		
3. Will the proposed action impair the character or quality of the existing community?		
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?		
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?		
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?		
7. Will the proposed action impact existing: a. public / private water supplies?		
b. public / private wastewater treatment utilities?		
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?		
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?		

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?		
11. Will the proposed action create a hazard to environmental resources or human health?		

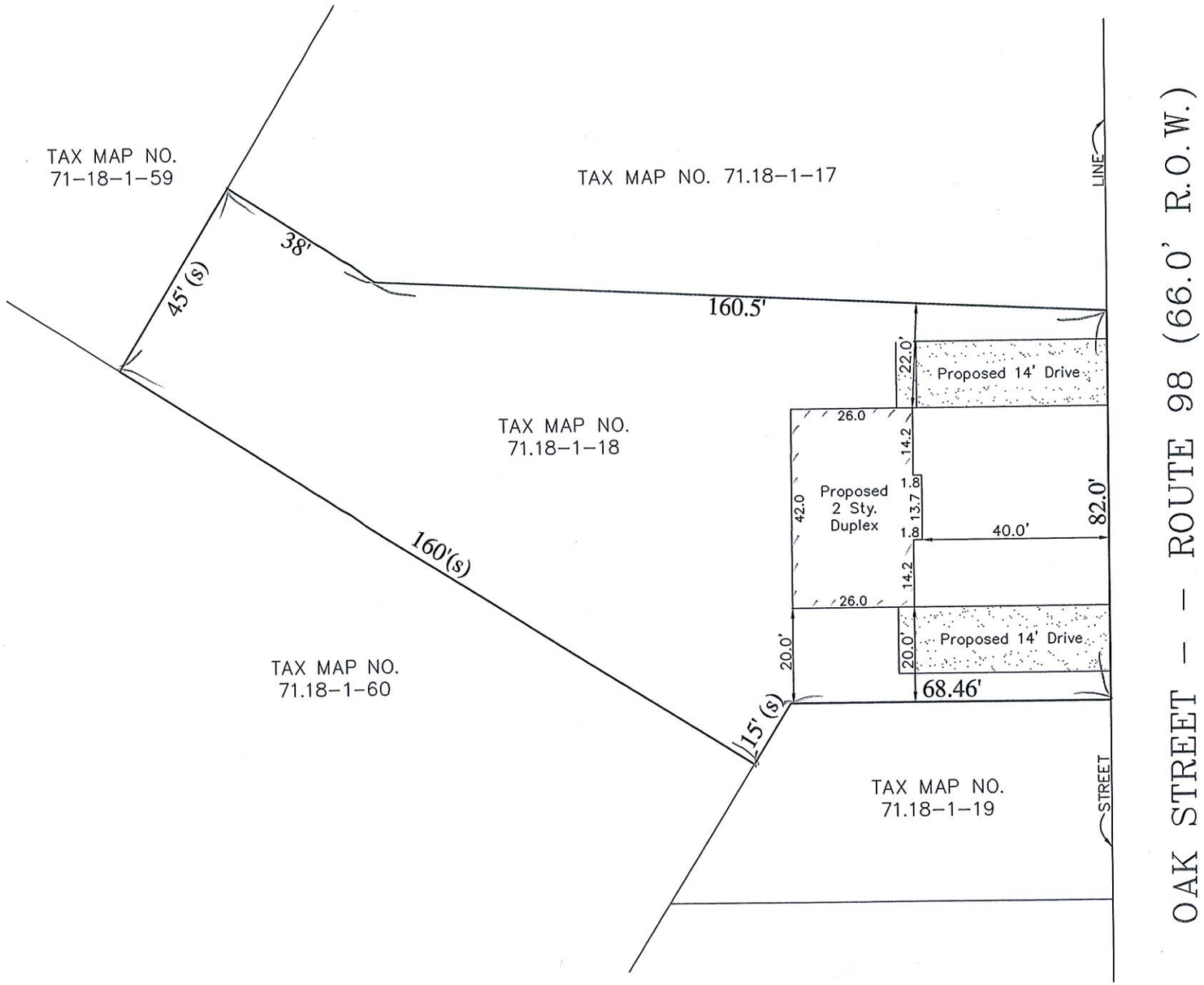
Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Name of Lead Agency	Date
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

GREGORY W. TOWNSEND
Licensed Land Surveyor
435 East Main Street
Batavia, New York 14020
Phone (585) 344-1331
Fax (585) 219-4313



NOTE:
- All property lines sketched per Tax Map dimensions
- Tie distances to property lines are approximate

SKETCH SHOWING PROPOSED HOUSE AND DRIVE LOCATIONS FOR 151 OAK STREET
MRUCZEK PROPERTY
CITY OF BATAVIA
COUNTY OF GENESEE
STATE OF NEW YORK

OCTOBER 18, 2016 SCALE 1" = 30'

10/18/16 Gregory W. Townsend

DATE N.Y.S.R.L.S. No. 50249

City of Batavia
Department of Public Works
Bureau of Inspections
One Batavia City Center, Batavia, New York 14020 (585)-345-6345 (585)-345-1385 (fax)

To: Genesee County Planning
Planning and Development Committee

From: Doug Randall, Code Enforcement Officer

Date: 11/2/16

Re: Sign code changes

Zoning Use District: All

City Council has requested the Planning and Development Committee review the present sign code section of the Batavia Municipal Code and prepare changes to that code that would include regulations specific to electronic message boards. PDC discussions have led to a draft that changes the code section substantially and requires recommendation to City Council.

Review and Approval Procedures:

County Planning Board- Pursuant to General Municipal Law 239 m, referral to the County Planning Board is required since the property is within 500 feet of the right of way of a state, road or highway.

City Planning and Development Committee- Pursuant to City Charter chapter 13-3 the Planning and Development Committee shall serve in an advisory capacity to City Council and make recommendation regarding changes to the municipal sign code.

Batavia City Council will be the lead agency to conduct SEQR review of this unlisted action.

SEND OR DELIVER TO:
GENESEE COUNTY DEPARTMENT OF PLANNING
3837 West Main Street Road
Batavia, NY 14020-9404
Phone: (585) 344-2580 Ext. 5467

DEPARTMENT USE ONLY:
GCDP Referral # _____

* GENESEE COUNTY *
PLANNING BOARD REFERRAL

Required According to:
GENERAL MUNICIPAL LAW ARTICLE 12B, SECTION 239 L, M, N
(Please answer ALL questions as fully as possible)

1. REFERRING BOARD(S) INFORMATION

Board(s) Planning and Dev. Com. and City Counc
Address One Batavia City Centre
City, State, Zip Batavia, NY 14020
Phone (585) 345 - 6347 Ext.

2. APPLICANT INFORMATION

Name Jason Molino, City Manager
Address One Batavia City Centre
City, State, Zip Batavia, NY 14020
Phone (585) 345 - 6333 Ext. Email jmolino@batavianewyork.c

MUNICIPALITY: ☒ City ☐ Town ☐ Village of Batavia

3. TYPE OF REFERRAL: (Check all applicable items)

- ☐ Area Variance
- ☐ Use Variance
- ☐ Special Use Permit
- ☐ Site Plan Review
- ☐ Zoning Map Change
- ☒ Zoning Text Amendments
- ☐ Comprehensive Plan/Update
- ☐ Other: Sign code changes

Subdivision Proposal
- ☐ Preliminary
- ☐ Final

4. LOCATION OF THE REAL PROPERTY PERTAINING TO THIS REFERRAL:

A. Full Address City of Batavia municipal boundry
B. Nearest intersecting road All areas
C. Tax Map Parcel Number All areas
D. Total area of the property _____ Area of property to be disturbed _____
E. Present zoning district(s) All

5. REFERRAL CASE INFORMATION:

A. Has this referral been previously reviewed by the Genesee County Planning Board?

☒ NO ☐ YES If yes, give date and action taken _____

B. Special Use Permit and/or Variances refer to the following section(s) of the present zoning ordinance and/or law

C. Please describe the nature of this request Recommendations regarding changes to the Batavia Municipal Code specific to the sign code.

6. ENCLOSURES – Please enclose copy(s) of all appropriate items in regard to this referral

- ☐ Local application
- ☐ Site plan
- ☐ Subdivision plot plans
- ☒ SEQR forms
- ☒ Zoning text/map amendments
- ☒ Location map or tax maps
- ☐ Elevation drawings
- ☐ Agricultural data statement
- ☐ New or updated comprehensive plan
- ☐ Photos
- ☒ Other: cover letters

If possible, please provide a reduced version or digital copy of any supporting documentation larger than 11 x 17. Email to planning@co.genesee.ny.us

7. CONTACT INFORMATION of the person representing the community in filling out this form (required information)

Name Douglas Randall Title Code Enf. Officer Phone (585) 345 - 6327 Ext.
Address, City, State, Zip One Batavia City Centre, Batavia, NY 14020 Email drandall@batavianewyork.com

City of Batavia

To: Genesee County Planning Board

From: Jason Molino, City Manager

Date: November 1, 2016

Subject: Revisions to Batavia Municipal Code: 190-3, 190-14(D) and 190-43

In February the City Council requested that the Planning and Development Committee (PDC) review the Batavia Municipal Code (BMC) regarding the incorporation of electronic message boards under the sign code. Currently the BMC prohibits the use of electronic message boards, other than for static displays.

In the early months of the review it was determined that a thorough review of the sign code was necessary in order to consider electronic message boards. With the assistance of Felipe Oltramari, Director of Planning, the PDC has revised the City sign code to include the functionality of electronic message boards, as well as made the code easier to read, interpret and simplified the sign approval process.

Attached please find the proposed revisions to the code as well as a completed Full Environmental Assessment Form Part 1, 2 and 3. This is considered an Unlisted Action.

If you have any questions please feel free to contact me.

This institution is an equal opportunity provider and employer. If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at program.intake@usda.gov

Office of the City Manager
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Batavia, New York 14020

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Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the project sponsor to verify that the information contained in Part 1is accurate and complete.

A. Project and Sponsor Information.

Name of Action or Project: City of Batavia sign regulation		
Project Location (describe, and attach a general location map): City of Batavia		
Brief Description of Proposed Action (include purpose or need): Changes to the City of Batavia municipal sign code to promote the public health, safety and welfare of the community by regulating the placement and size of outdoor signs and advertising displays, and to ensure individual signs do not detract from overall appearance and safety of the community.		
Name of Applicant/Sponsor: Jason Molino, City Manager (form prepared by D.Randall, Code Enf. Officer)	Telephone: (585) 345-6333 E-Mail: jmolino@batavianewyork.com	
Address: One Batavia City Centre		
City/PO: Batavia	State: NY	Zip Code: 14020
Project Contact (if not same as sponsor; give name and title/role):	Telephone: E-Mail:	
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor): People of the City of Batavia	Telephone: E-Mail:	
Address: One Batavia City Centre		
City/PO: Batavia	State: NY	Zip Code: 14020

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)		
Government Entity	**If Yes: Identify Agency and Approval(s) Required**	**Application Date (Actual or projected)**
a. City Council, Town Board, or Village Board of Trustees ☑Yes☐No	City of Batavia Council	
b. City, Town or Village Planning Board or Commission ☐Yes☐No		
c. City Council, Town or Village Zoning Board of Appeals ☐Yes☐No		
d. Other local agencies ☐Yes☐No		
e. County agencies ☐Yes☐No		
f. Regional agencies ☐Yes☐No		
g. State agencies ☐Yes☐No		
h. Federal agencies ☐Yes☐No		

i. Coastal Resources.

i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? ☐Yes☑No

ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? ☐Yes☑No

iii. Is the project site within a Coastal Erosion Hazard Area? ☐Yes☑No

C. Planning and Zoning

C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☑Yes☐No

- **If Yes,** complete sections C, F and G.
- **If No,** proceed to question C.2 and complete all remaining sections and questions in Part 1

C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☑Yes☐No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☑Yes☐No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☑Yes☐No

If Yes, identify the plan(s):

The proposed action will include the entire municipal area of the City of Batavia including Planned Development Districts, Business Improvement District, Historic Overlay District, Land Conservation Districts, Brownfield Opportunity Areas.

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☐Yes☑No

If Yes, identify the plan(s):

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☑ Yes ☐ No
If Yes, what is the zoning classification(s) including any applicable overlay district?
The proposed action will include the entire municipal area of the City of Batavia including C-1, C-2, C-3, H/O, I-1, I-2, I-3, L, P-1, P-2, P-3, P-4, R-1, R1-A, R-2, R-3.

b. Is the use permitted or allowed by a special or conditional use permit? ☐ Yes ☑ No

c. Is a zoning change requested as part of the proposed action? ☐ Yes ☑ No
If Yes,
i. What is the proposed new zoning for the site? No zoning use change proposed

C.4. Existing community services.

a. In what school district is the project site located? City of Batavia

b. What police or other public protection forces serve the project site?
City of Batavia Police Dept., Genesee County Sheriff Dept., NYS Troopers

c. Which fire protection and emergency medical services serve the project site?
City of Batavia Fire Dept.

d. What parks serve the project site?
City of Batavia municipal parks and Genesee County Dewitt Recreational Area.

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)?

b. a. Total acreage of the site of the proposed action? _____ acres
b. Total acreage to be physically disturbed? _____ acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres

c. Is the proposed action an expansion of an existing project or use? ☐ Yes ☐ No
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? ☐ Yes ☐ No
If Yes,
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)

ii. Is a cluster/conservation layout proposed? ☐ Yes ☐ No
iii. Number of lots proposed? _____
iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will proposed action be constructed in multiple phases? ☐ Yes ☐ No
i. If No, anticipated period of construction: _____ months
ii. If Yes:
- Total number of phases anticipated _____
- Anticipated commencement date of phase 1 (including demolition) _____ month _____ year
- Anticipated completion date of final phase _____ month _____ year
- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

f. Does the project include new residential uses? ☐Yes☐No
If Yes, show numbers of units proposed.

	One Family	Two Family	Three Family	Multiple Family (four or more)
Initial Phase	_____	_____	_____	_____
At completion of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? ☐Yes☐No
If Yes,
i. Total number of structures _____
ii. Dimensions (in feet) of largest proposed structure: _____height; _____width; and _____ length
iii. Approximate extent of building space to be heated or cooled: _____ square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? ☐Yes☐No
If Yes,
i. Purpose of the impoundment: _____
ii. If a water impoundment, the principal source of the water: ☐ Ground water ☐ Surface water streams ☐Other specify:
_____
iii. If other than water, identify the type of impounded/contained liquids and their source.
_____
iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres
v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length
vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete):
_____

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? ☐Yes☐No
(Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)
If Yes:
i. What is the purpose of the excavation or dredging? _____
ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?
- Volume (specify tons or cubic yards): _____
- Over what duration of time? _____

iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them.
_____
_____
iv. Will there be onsite dewatering or processing of excavated materials? ☐Yes☐No
If yes, describe. _____
_____
v. What is the total area to be dredged or excavated? _____acres
vi. What is the maximum area to be worked at any one time? _____ acres
vii. What would be the maximum depth of excavation or dredging? _____ feet
viii. Will the excavation require blasting? ☐Yes☐No
ix. Summarize site reclamation goals and plan: _____
_____
_____

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? ☐Yes☐No
If Yes:
i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____
_____

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

_____

_____

_____

_____

iii. Will proposed action cause or result in disturbance to bottom sediments? ☐Yes☐No

If Yes, describe: _____

iv. Will proposed action cause or result in the destruction or removal of aquatic vegetation? ☐Yes☐No

If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water? ☐Yes☐No

If Yes:

i. Total anticipated water usage/demand per day: _____ gallons/day

ii. Will the proposed action obtain water from an existing public water supply? ☐Yes☐No

If Yes:

- Name of district or service area: _____
- Does the existing public water supply have capacity to serve the proposal? ☐Yes☐No
- Is the project site in the existing district? ☐Yes☐No
- Is expansion of the district needed? ☐Yes☐No
- Do existing lines serve the project site? ☐Yes☐No

iii. Will line extension within an existing district be necessary to supply the project? ☐Yes☐No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____
- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? ☐Yes☐No

If, Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

vi. If water supply will be from wells (public or private), maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? ☐Yes☐No

If Yes:

i. Total anticipated liquid waste generation per day: _____ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

iii. Will the proposed action use any existing public wastewater treatment facilities? ☐Yes☐No

If Yes:

- Name of wastewater treatment plant to be used: _____
- Name of district: _____
- Does the existing wastewater treatment plant have capacity to serve the project? ☐Yes☐No
- Is the project site in the existing district? ☐Yes☐No
- Is expansion of the district needed? ☐Yes☐No

- Do existing sewer lines serve the project site? ☐Yes☐No
- Will line extension within an existing district be necessary to serve the project? ☐Yes☐No

  If Yes:
  - Describe extensions or capacity expansions proposed to serve this project: _____

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? ☐Yes☐No

If Yes:
- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- What is the receiving water for the wastewater discharge? _____

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge, or describe subsurface disposal plans):

_____

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? ☐Yes☐No

If Yes:

i. How much impervious surface will the project create in relation to total size of project parcel?

_____ Square feet or _____ acres (impervious surface)

_____ Square feet or _____ acres (parcel size)

ii. Describe types of new point sources. _____

iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?

_____

- If to surface waters, identify receiving water bodies or wetlands: _____
- Will stormwater runoff flow to adjacent properties? ☐Yes☐No

iv. Does proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? ☐Yes☐No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? ☐Yes☐No

If Yes, identify:

i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

_____

ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

_____

iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

_____

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? ☐Yes☐No

If Yes:

i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) ☐Yes☐No

ii. In addition to emissions as calculated in the application, the project will generate:
- _____Tons/year (short tons) of Carbon Dioxide (CO_2)
- _____Tons/year (short tons) of Nitrous Oxide (N_2O)
- _____Tons/year (short tons) of Perfluorocarbons (PFCs)
- _____Tons/year (short tons) of Sulfur Hexafluoride (SF_6)
- _____Tons/year (short tons) of Carbon Dioxide equivalent of Hydroflourocarbons (HFCs)
- _____Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? ☐Yes☐No

If Yes:

i. Estimate methane generation in tons/year (metric): _____

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? ☐Yes☐No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust):

_____

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? ☐Yes☐No

If Yes:

i. When is the peak traffic expected (Check all that apply): ☐ Morning ☐ Evening ☐Weekend ☐ Randomly between hours of _____ to _____.

ii. For commercial activities only, projected number of semi-trailer truck trips/day: _____

iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____

iv. Does the proposed action include any shared use parking? ☐Yes☐No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe:

_____

vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? ☐Yes☐No

vii Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? ☐Yes☐No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? ☐Yes☐No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? ☐Yes☐No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: _____

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other):

_____

iii. Will the proposed action require a new, or an upgrade to, an existing substation? ☐Yes☐No

l. Hours of operation. Answer all items which apply.

i. During Construction:

- Monday - Friday: _____
- Saturday: _____
- Sunday: _____
- Holidays: _____

ii. During Operations:

- Monday - Friday: _____
- Saturday: _____
- Sunday: _____
- Holidays: _____

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? ☐Yes ☐No

If yes:

i. Provide details including sources, time of day and duration:

_____

ii. Will proposed action remove existing natural barriers that could act as a noise barrier or screen? ☐Yes ☐No

Describe: _____

n.. Will the proposed action have outdoor lighting? ☐Yes ☐No

If yes:

i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:

_____

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? ☐Yes ☐No

Describe: _____

o. Does the proposed action have the potential to produce odors for more than one hour per day? ☐Yes ☐No

If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? ☐Yes ☐No

If Yes:

i. Product(s) to be stored _____

ii. Volume(s) _____ per unit time _____ (e.g., month, year)

iii. Generally describe proposed storage facilities: _____

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? ☐ Yes ☐No

If Yes:

i. Describe proposed treatment(s):

_____

ii. Will the proposed action use Integrated Pest Management Practices? ☐ Yes ☐No

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? ☐ Yes ☐No

If Yes:

i. Describe any solid waste(s) to be generated during construction or operation of the facility:

- Construction: _____ tons per _____ (unit of time)
- Operation : _____ tons per _____ (unit of time)

ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:

- Construction: _____
- Operation: _____

iii. Proposed disposal methods/facilities for solid waste generated on-site:

- Construction: _____
- Operation: _____

s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☐ No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

ii. Anticipated rate of disposal/processing:

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: _____ years

t. Will proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐Yes☐No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

iii. Specify amount to be handled or generated _____ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐Yes☐No

If Yes: provide name and location of facility: _____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: _____

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

☐ Urban ☐ Industrial ☐ Commercial ☐ Residential (suburban) ☐ Rural (non-farm)
☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____

ii. If mix of uses, generally describe: _____

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces			
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____			

c. Is the project site presently used by members of the community for public recreation? ☐Yes☐No

i. If Yes: explain: _____

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? ☐Yes☐No

If Yes,

i. Identify Facilities:

_____

_____

e. Does the project site contain an existing dam? ☐Yes☐No

If Yes:

i. Dimensions of the dam and impoundment:

- Dam height: _____ feet
- Dam length: _____ feet
- Surface area: _____ acres
- Volume impounded: _____ gallons OR acre-feet

ii. Dam's existing hazard classification: _____

iii. Provide date and summarize results of last inspection:

_____

_____

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? ☐Yes☐No

If Yes:

i. Has the facility been formally closed? ☐Yes☐ No

- If yes, cite sources/documentation: _____

ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:

_____

_____

iii. Describe any development constraints due to the prior solid waste activities: _____

_____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? ☐Yes☐No

If Yes:

i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:

_____

_____

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? ☐Yes☐ No

If Yes:

i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: ☐Yes☐No

☐ Yes – Spills Incidents database Provide DEC ID number(s): _____

☐ Yes – Environmental Site Remediation database Provide DEC ID number(s): _____

☐ Neither database

ii. If site has been subject of RCRA corrective activities, describe control measures: _____

_____

_____

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? ☐Yes☐No

If yes, provide DEC ID number(s): _____

iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):

_____

_____

v. Is the project site subject to an institutional control limiting property uses? ☐Yes☐No

- If yes, DEC site ID number: _____
- Describe the type of institutional control (e.g., deed restriction or easement): _____
- Describe any use limitations: _____
- Describe any engineering controls: _____
- Will the project affect the institutional or engineering controls in place? ☐Yes☐No
- Explain: _____

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? _____ feet

b. Are there bedrock outcroppings on the project site? ☐Yes☐No
If Yes, what proportion of the site is comprised of bedrock outcroppings? _____%

c. Predominant soil type(s) present on project site: _____ _____%
_____ _____%
_____ _____%

d. What is the average depth to the water table on the project site? Average: _____ feet

e. Drainage status of project site soils: ☐ Well Drained: _____% of site
☐ Moderately Well Drained: _____% of site
☐ Poorly Drained _____% of site

f. Approximate proportion of proposed action site with slopes: ☐ 0-10%: _____% of site
☐ 10-15%: _____% of site
☐ 15% or greater: _____% of site

g. Are there any unique geologic features on the project site? ☐Yes☐No
If Yes, describe: _____

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? ☐Yes☐No

ii. Do any wetlands or other waterbodies adjoin the project site? ☐Yes☐No

If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? ☐Yes☐No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name _____ Classification _____
- Lakes or Ponds: Name _____ Classification _____
- Wetlands: Name _____ Approximate Size _____
- Wetland No. (if regulated by DEC) _____

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? ☐Yes☐No

If yes, name of impaired water body/bodies and basis for listing as impaired: _____

i. Is the project site in a designated Floodway? ☐Yes☐No

j. Is the project site in the 100 year Floodplain? ☐Yes☐No

k. Is the project site in the 500 year Floodplain? ☐Yes☐No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? ☐Yes☐No
If Yes:

i. Name of aquifer: _____

m. Identify the predominant wildlife species that occupy or use the project site: _____

n. Does the project site contain a designated significant natural community? ☐Yes ☐No

If Yes:

i. Describe the habitat/community (composition, function, and basis for designation): _____

ii. Source(s) of description or evaluation: _____

iii. Extent of community/habitat:

- Currently: _____ acres
- Following completion of project as proposed: _____ acres
- Gain or loss (indicate + or -): _____ acres

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? ☐ Yes ☐No

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? ☐Yes ☐No

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? ☐Yes ☐No

If yes, give a brief description of how the proposed action may affect that use: _____

E.3. Designated Public Resources On or Near Project Site

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? ☐Yes ☐No

If Yes, provide county plus district name/number: _____

b. Are agricultural lands consisting of highly productive soils present? ☐Yes ☐No

i. If Yes: acreage(s) on project site? _____

ii. Source(s) of soil rating(s): _____

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? ☐Yes ☐No

If Yes:

i. Nature of the natural landmark: ☐ Biological Community ☐ Geological Feature

ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? ☐Yes ☐No

If Yes:

i. CEA name: _____

ii. Basis for designation: _____

iii. Designating agency and date: _____

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on, or has been nominated by the NYS Board of Historic Preservation for inclusion on, the State or National Register of Historic Places? ☐ Yes ☐ No

If Yes:

i. Nature of historic/archaeological resource: ☐ Archaeological Site ☐ Historic Building or District

ii. Name: _____

iii. Brief description of attributes on which listing is based:

_____

f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? ☐ Yes ☐ No

g. Have additional archaeological or historic site(s) or resources been identified on the project site? ☐ Yes ☐ No

If Yes:

i. Describe possible resource(s): _____

ii. Basis for identification: _____

h. Is the project site within fives miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? ☐ Yes ☐ No

If Yes:

i. Identify resource: _____

ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____

iii. Distance between project and resource: _____ miles.

i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? ☐ Yes ☐ No

If Yes:

i. Identify the name of the river and its designation: _____

ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? ☐ Yes ☐ No

F. Additional Information

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name Jason Molino Date 11/1/16

Signature Jason Molino Title City Manager

PRINT FORM

C-1	LIMITED COMMERCIAL DISTRICT
C-2	GENERAL COMMERCIAL DISTRICT
C-3	CENTRAL COMMERCIAL DISTRICT
H-O	HISTORIC OVERLAY DISTRICT
I-1	INDUSTRIAL DISTRICT
I-2	INDUSTRIAL DISTRICT
I-3	INDUSTRIAL DISTRICT
L	LAND CONSERVATION DISTRICT
P-1	PLANNED DEVELOPMENT-INDUSTRIAL
P-2	PLANNED DEVELOPMENT-MEDICAL
P-3	PLANNED DEVELOPMENT-SERV. COMMER.
P-4	PLANNED DEVELOPMENT-RESIDENTIAL
R-1	RESIDENTIAL DISTRICT
R-1A	RESIDENTIAL DISTRICT
R-2	RESIDENTIAL DISTRICT
R-3	RESIDENTIAL DISTRICT

SCALE (ft)

N
W E
S

OFFICIAL ZONING MAP OF THE CITY OF BATAVIA

GENESEE COUNTY, NY

Updates

April 5, 2006
August 15, 2006
October 11, 2006

Agency Use Only [If applicable]

Project : City of Batavia sign regulation

Date :

Full Environmental Assessment Form
Part 2 - Identification of Potential Project Impacts

Part 2 is to be completed by the lead agency. Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency **and** the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

Tips for completing Part 2:

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer "**Yes**" to a numbered question, please complete all the questions that follow in that section.
- If you answer "**No**" to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box "Moderate to large impact may occur."
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the "whole action".
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

1. Impact on Land
Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1) ☐ NO ☐ YES
If "Yes", answer questions a - j. If "No", move on to Section 2.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	☐	☐
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	☐	☐
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	☐	☐
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	☐	☐
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	☐	☐
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	☐	☐
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	☐	☐
h. Other impacts: _____		☐	☐

2. Impact on Geological Features

The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g) ☐ NO ☐ YES

If "Yes", answer questions a - c. If "No", move on to Section 3.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____	E2g	☐	☐
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	☐	☐
c. Other impacts: _____		☐	☐

3. Impacts on Surface Water

The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h) ☐ NO ☐ YES

If "Yes", answer questions a - l. If "No", move on to Section 4.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	☐	☐
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	☐	☐
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	☐	☐
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	☐	☐
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	☐	☐
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	☐	☐
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	☐	☐
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	☐	☐
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	☐	☐
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	☐	☐
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	☐	☐

l. Other impacts: _____		☐	☐

4. Impact on groundwater

The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t) ☐NO ☐YES

If "Yes", answer questions a - h. If "No", move on to Section 5.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	☐	☐
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	☐	☐
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	☐	☐
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	☐	☐
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	☐	☐
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	☐	☐
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	☐	☐
h. Other impacts: _____		☐	☐

5. Impact on Flooding

The proposed action may result in development on lands subject to flooding. (See Part 1. E.2) ☐NO ☐YES

If "Yes", answer questions a - g. If "No", move on to Section 6.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	☐	☐
b. The proposed action may result in development within a 100 year floodplain.	E2j	☐	☐
c. The proposed action may result in development within a 500 year floodplain.	E2k	☐	☐
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	☐	☐
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	☐	☐
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	☐	☐

g. Other impacts: _____		☐	☐

6. Impacts on Air

The proposed action may include a state regulated air emission source. (See Part 1. D.2.f., D,2,h, D.2.g) ☐NO ☐YES

If "Yes", answer questions a - f. If "No", move on to Section 7.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels:			
i. More than 1000 tons/year of carbon dioxide (CO_2)	D2g	☐	☐
ii. More than 3.5 tons/year of nitrous oxide (N_2O)	D2g	☐	☐
iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs)	D2g	☐	☐
iv. More than .045 tons/year of sulfur hexafluoride (SF_6)	D2g	☐	☐
v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions	D2g	☐	☐
vi. 43 tons/year or more of methane	D2h	☐	☐
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	☐	☐
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	☐	☐
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	☐	☐
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	☐	☐
f. Other impacts: _____		☐	☐

7. Impact on Plants and Animals

The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) ☐NO ☐YES

If "Yes", answer questions a - j. If "No", move on to Section 8.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	☐	☐
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	☐	☐
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	☐	☐
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	☐	☐

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	☐	☐
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	☐	☐
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	☐	☐
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____	E1b	☐	☐
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	☐	☐
j. Other impacts: _____		☐	☐

8. Impact on Agricultural Resources

The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.) ☐NO ☐YES

If "Yes", answer questions a - h. If "No", move on to Section 9.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	☐	☐
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, Elb	☐	☐
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	☐	☐
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	☐	☐
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	El a, E1b	☐	☐
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	☐	☐
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	☐	☐
h. Other impacts: _____		☐	☐

9. Impact on Aesthetic Resources

The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.) ☐NO ☐YES

If "Yes", answer questions a - g. If "No", go to Section 10.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	☐	☐
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	☐	☐
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	 ☐ ☐	 ☐ ☐
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	 ☐ ☐	 ☐ ☐
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	☐	☐
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile ½ -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	☐	☐
g. Other impacts: _____		☐	☐

10. Impact on Historic and Archeological Resources

The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.) ☐NO ☐YES

If "Yes", answer questions a - e. If "No", go to Section 11.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on or has been nominated by the NYS Board of Historic Preservation for inclusion on the State or National Register of Historic Places.	E3e	☐	☐
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	☐	☐
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	☐	☐

d. Other impacts: _____		☐	☐
e. If any of the above (a-d) are answered "Moderate to large impact may occur", continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	☐	☐
ii. The proposed action may result in the alteration of the property's setting or integrity.	E3e, E3f, E3g, E1a, E1b	☐	☐
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	☐	☐

11. Impact on Open Space and Recreation

The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan.
(See Part 1. C.2.c, E.1.c., E.2.q.)
If "Yes", answer questions a - e. If "No", go to Section 12.

☐ NO ☐ YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b E2h, E2m, E2o, E2n, E2p	☐	☐
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	☐	☐
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c E1c, E2q	☐	☐
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	☐	☐
e. Other impacts: _____		☐	☐

12. Impact on Critical Environmental Areas

The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d)
If "Yes", answer questions a - c. If "No", go to Section 13.

☐ NO ☐ YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	☐	☐
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	☐	☐
c. Other impacts: _____		☐	☐

13. Impact on Transportation
The proposed action may result in a change to existing transportation systems. ☐ NO ☐ YES
(See Part 1. D.2.j)
If "Yes", answer questions a - f. If "No", go to Section 14.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	☐	☐
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	☐	☐
c. The proposed action will degrade existing transit access.	D2j	☐	☐
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	☐	☐
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	☐	☐
f. Other impacts: _____		☐	☐

14. Impact on Energy
The proposed action may cause an increase in the use of any form of energy. ☐ NO ☐ YES
(See Part 1. D.2.k)
If "Yes", answer questions a - e. If "No", go to Section 15.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	☐	☐
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	☐	☐
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	☐	☐
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	☐	☐
e. Other Impacts: _____		☐	☐

15. Impact on Noise, Odor, and Light
The proposed action may result in an increase in noise, odors, or outdoor lighting. ☐ NO ☐ YES
(See Part 1. D.2.m., n., and o.)
If "Yes", answer questions a - f. If "No", go to Section 16.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	☐	☐
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	☐	☐
c. The proposed action may result in routine odors for more than one hour per day.	D2o	☐	☐

d. The proposed action may result in light shining onto adjoining properties.	D2n	☐	☐
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	☐	☐
f. Other impacts: _____		☐	☐

16. Impact on Human Health

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.) ☐ NO ☐ YES

If "Yes", answer questions a - m. If "No", go to Section 17.

	Relevant Part I Question(s)	No,or small impact may cccur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	☐	☐
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	☐	☐
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	☐	☐
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	☐	☐
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	☐	☐
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	☐	☐
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	☐	☐
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	☐	☐
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	☐	☐
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	☐	☐
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	☐	☐
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	☐	☐
m. Other impacts: _____		☐	☐

17. Consistency with Community Plans

The proposed action is not consistent with adopted land use plans. ☐ NO ☐ YES

(See Part 1. C.1, C.2. and C.3.)

If "Yes", answer questions a - h. If "No", go to Section 18.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	☐	☐
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	☐	☐
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	☐	☐
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	☐	☐
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, E1b	☐	☐
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	☐	☐
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	☐	☐
h. Other: _____		☐	☐

18. Consistency with Community Character

The proposed project is inconsistent with the existing community character. ☐ NO ☐ YES

(See Part 1. C.2, C.3, D.2, E.3)

If "Yes", answer questions a - g. If "No", proceed to Part 3.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	☐	☐
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	☐	☐
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	☐	☐
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	☐	☐
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	☐	☐
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	☐	☐
g. Other impacts: _____		☐	☐

PRINT FULL FORM

Agency Use Only [IfApplicable]

Project : City of Batavia sign regulation

Date :

Full Environmental Assessment Form
Part 3 - Evaluation of the Magnitude and Importance of Project Impacts
and
Determination of Significance

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

Reasons Supporting This Determination:

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: ☐ Type 1 ☑ Unlisted

Identify portions of EAF completed for this Project: ☐ Part 1 ☐ Part 2 ☐ Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information

_____

_____

_____

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the _____ as lead agency that:

☐ A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

☐ B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

_____

_____

_____

_____

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.d).

☐ C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: City of Batavia sign regulation	
Name of Lead Agency:	
Name of Responsible Officer in Lead Agency:	
Title of Responsible Officer:	
Signature of Responsible Officer in Lead Agency:	Date:
Signature of Preparer (if different from Responsible Officer)	Date:

For Further Information:

Contact Person: Jason Molino, City Manager

Address: One Batavia City Centre, Batavia, NY 14020

Telephone Number: (585) 345-6333

E-mail: jmolino@batavianewyork.com

For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)
Other involved agencies (if any)
Applicant (if any)
Environmental Notice Bulletin: http://www.dec.ny.gov/enb/enb.html

PRINT FULL FORM

Modifications to section 190-3:

SIGN

(1) AWNING~~/CANOPY~~ SIGN

A sign where graphics or symbols are painted, sewn, or otherwise adhered to the awning material as an integrated part of the awning itself.~~A sign incorporated into an awning attached to a structure.~~

(2) BACKLIT ILLUMINATION

Signs that are backlit illuminated involve a low level of external light shining out from behind solid object, most often letters, creating a soft glow around the outside of the objects.

(3) BRACKET SIGN

A freestanding sign attached to the ground by one or more support structures that is not higher than 5 feet and hangs from a bracket or support.

(4) CANOPY SIGN

A sign placed on a canopy so that the display surface is parallel to the plane of the wall.

~~(2) COPY CHANGE SIGN~~

~~A sign on which the visual message may be periodically changed.~~

~~(3)~~(5) DIRECTIONAL SIGN

A permanent sign which is designed for the purpose of directing traffic or pedestrian traffic to the location of an activity or business. ~~A logo or advertising is not permitted.~~

(6) ELECTRICAL RACEWAY

A raceway (sometimes referred to as a raceway system) is an enclosed conduit that forms a physical pathway for electrical wiring. Raceways protect wires and cables from heat, humidity, corrosion, water intrusion and general physical threats.

(7) ELECTRONIC MESSAGE BOARD

An illumination type that produces a static or changeable electronic message using light-emitting diodes (LED), liquid crystal display (LCD) or other digital display method; that is designed to provide an electronic message or display that may generate and periodically changed using an internal, external or remotely located electronic control system; which contains an illuminated, programmable message or graphic, whether fixed or moving.

(8) EXTERNAL ILLUMINATION

Signs that are externally illuminated have light shining on to the outer surface of the sign. External illumination may be downlit (lit from above) and uplit (lit from below).

~~(4)~~(9) FREESTANDING SIGN

A self-supporting sign not attached to any building, wall or fence, but in a fixed location, includes pole signs, pylon signs, and masonry wall-type signs, but does not include portable trailer-type signs.

(10) ICONIC SIGN

A sculptural, typically three-dimensional sign whose form suggests its meaning, and which can either be building-mounted or freestanding.

~~(5)~~(11) ILLUMINATED SIGN

Any sign illuminated by electricity, gas or other artificial light either for the interior, back lit or exterior of the sign, and which includes reflective and phosphorescent light.

(12) INTERNAL ILLUMINATION

Signs that are internally illuminated have light shining through the surface of the sign. Typically, these either involve a rectangular-shaped box sign or individual letters (channel letters) that are lit from inside. Neon signs are not considered internally illuminated.

~~(6)~~(13) MARQUEE SIGNS

A sign attached to the top or the face of a permanent roof-like structure.~~A sign, usually associated with a movie house or playhouse, projecting over an entrance to a building.~~

(14) MONUMENT SIGN

A freestanding sign attached to the ground along its entire length to a continuous pedestal. A monument sign is horizontally oriented or is square.

~~(7)~~(15) OFF-PREMISES SIGN

A sign unrelated to a business or a profession conducted, or to a commodity or service sold or offered, upon the premises where such a sign is located.

(16) POLE SIGN

A freestanding sign constructed on a structure of one or more poles.

~~(8)~~(17) PORTABLE SIGN

A sign designed to be portable and not structurally attached to the ground, building, structure or another sign.

~~(9) PRICE POD~~

~~A secondary sign located on the same pole as a primary freestanding dedicated to displaying prices of products, such as gasoline, sold on premises~~

~~(10)~~(18) PROJECTING SIGN

A sign attached to the building facade at a 90-degree angle, extending more than 15 inches. A projecting sign may be two or three-dimensional.~~A sign which hangs perpendicular to a building wall.~~

(19) SHINGLE SIGN

A small projecting sign that hangs from a bracket or support.

(20) SIDEWALK SIGN

A moveable sign not secured or attached to the ground or surface upon which it is located.

~~(11)~~(21)SIGN

A structure or device designed or intended to convey information to the public in written or pictorial form.

~~(12) SIGN DIRECTORY~~

~~A listing of two or more business enterprises, consisting of a matrix and sign components.~~

~~(13)~~(22)SIGN STRUCTURE

The supports, uprights, bracing and framework for the sign. ~~In the case of a sign structure consisting of two or more sides where the angle formed between any two of the sides or the projections thereof exceeds 30º, each side shall be considered a separate sign structure.~~

~~(14)~~(23)SIGN SURFACE AREA

The entire area within the single, continuous perimeter enclosing the limits of writing representation, emblem or any figure or similar character. Supports, uprights or structures on which any sign is supported shall not be included in the sign face area unless it is an integral part of the sign.

~~(15) SUSPENDED SIGNS~~

~~A sign which hangs down horizontally from a plane surface such as a porch or other structural element.~~

~~(16)~~(24)TEMPORARY SIGN

A sign ~~related to a single activity or event~~ having a duration of no more than 60 days.

~~(17)~~(25)WALL SIGN

A sign placed or painted against a building and attached to the exterior front, rear or side so that the display surface is parallel to the plane of the wall.~~A sign that is painted on or attached to the outside wall of a building with the face of the sign in the plane parallel to such wall, and not extending more than 15 inches from the face of such wall.~~

~~(18)~~(26)WINDOW SIGN

A sign visible from a sidewalk, street or other public place, painted or affixed on glass or other window material, or located inside within four feet of the window, but not including graphics in connection with customary window display of products.

Modifications to section 190-14 (D)

(2) Application procedures. The Planning and Development Committee shall review all applications for the following actions that lie within the Downtown Batavia Business Improvement District as described in Chapter 58 of the Code of the City of Batavia:

(a) Any action, except those solely related to sign permits, involving exterior changes which requires the issuance of a building permit or demolition permit.

~~(b) Any application for a sign or sign structure. Applications are not necessary for the following actions:~~

~~[1] Any actions that require review by the Historic Preservation Commission.~~

~~[2] Any] Any action reviewed and approved for a Facade Grant award from the Downtown Batavia Business Improvement District (BID). A letter confirming approval of the award shall be forwarded to the Code Enforcement Officer by the BID Manager or President.~~

~~[3] Any ordinary maintenance or repair that does involve a change in design, material or outer appearance thereof. The Committee must act on all applications within 60 days of their receipt.~~

(d)[8] ~~Signs and awnings~~Awnings. ~~Signs in the Downtown Batavia Business Improvement District shall comply with § and the following:~~

~~[a] Primary signs are restricted to displaying the name of the business and some immediate relevant information only. They should be simple, straightforward and easy to read from a distance. Secondary information, such as details about the business, hours of operation, etc., should be reserved for smaller window signs which may be read close-up at the pedestrian level.~~

~~[b] Primary signs should be located directly above the front door, within a vertical band down one side near the door, or on the awning face. Such signs should not project more than six inches from the plane of the facade.~~

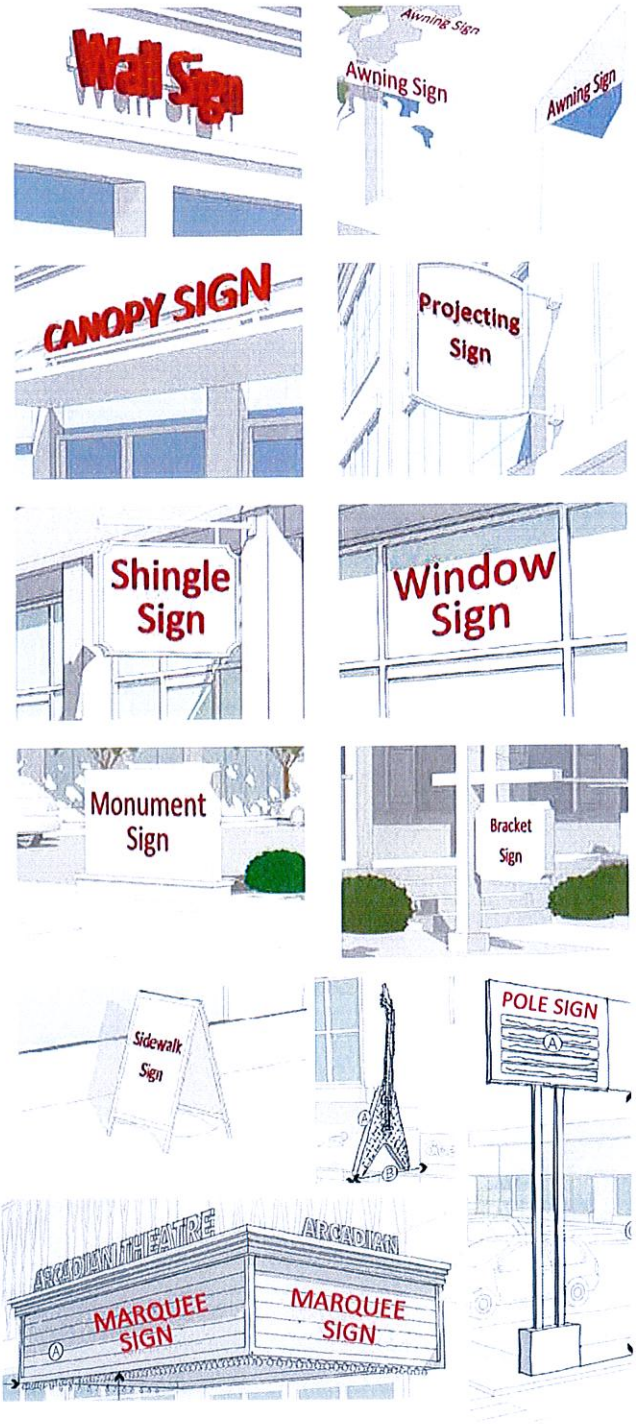
~~[c]~~ Long, continuous lengths of awnings are not recommended. Instead, a series of similar sized smaller ones is preferred.

~~[d] Building identification and signs should be incorporated into the design of the facade itself, with a clear and distinguishable portion of the facade reserved solely for the purpose of framing it. It is recommended that lettering be applied directly to the building itself, instead of onto a sign which is tacked on the building. Colors should be kept to a minimum, and should complement those found on the building.~~

~~[e] Exterior box-type backlit, moving, flashing or neon signs and awnings are discouraged. Other types of signs not recommended are those made of plywood and plastic materials.~~

~~[f] The use of small lettering on the inside of the upper floor windows to identify the businesses within is encouraged.~~

§ 190-43 Signs.



A. **Statement of Purpose.** The purpose of this section is to promote the public health, safety and welfare of the community by regulating the placement and size of outdoor signs and advertising displays. It is intended to protect all property values by ensuring that individual signs do not detract from the overall appearance and safety of the community.

B. **Applicability.**
   (1) Permit required. It is unlawful for any person to erect, enlarge, relocate or change the copy of any sign other than those identified as exempt in this section, without first obtaining a sign permit and paying the fee therefor as provided in this section. Routine maintenance of existing signs, not involving erection, enlargement, relocation or change of copy, shall not require a permit.
   (2) All signs must be located on the same lot as the permitted use.

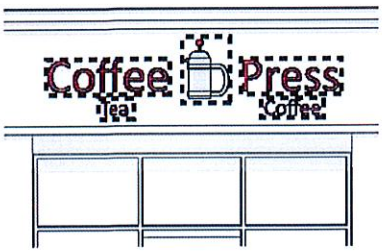
C. **Application for Permit.** Application shall be made in writing to the Department of Public Works on forms prescribed and provided by the City of Batavia and shall contain the following information:
   (1) Name address and telephone number of applicant and property owner.
   (2) Location of building, structure or land upon which the sign now exists or is to be erected.
      (a) If a new sign is to be erected, elevation and plan drawings should be included. A clear description of the placement and appearance of the proposed sign should include the following:
         [1] Location on the premises, specifically, its position in relation to adjacent buildings, structures and property lines.
         [2] The method of illumination, and position of lighting.
         [3] Graphic design, including symbols, letters, materials, and possible color combinations.

(b) If the sign is in compliance, the Department of Public Works shall issue a permit for the proposed or existing sign.The Department of Public Works shall give written notice to the applicant if the sign application has been denied.

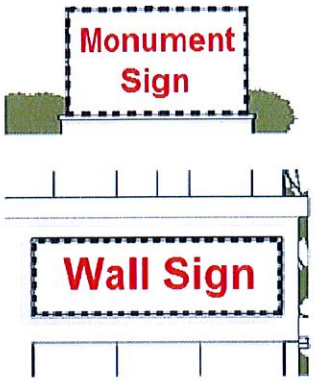
D. Common Sign Plan. A common sign plan must be filed with the Department of Public Works for all sites occupied by more than one tenant. After the filing of a common sign plan, all tenant signs must meet the requirements of the common sign plan.

E. Computation of Sign Type Area. The area of a sign type is determined as follows:

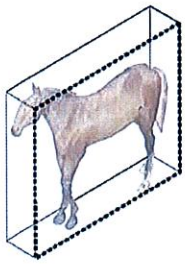
(1) For signs consisting of freestanding letters or logos, sign area is calculated as the total area of the rectangle, circle or square that fully encloses each word or logo.



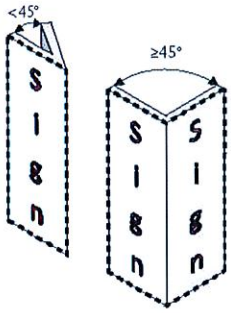
(2) For wall signs and signs on a background, the entire area of the background is calculated as sign area, including any material or color forming the sign face and the background used to differentiate the sign from the structure against which it is mounted. Sign area does not include any supports or bracing.



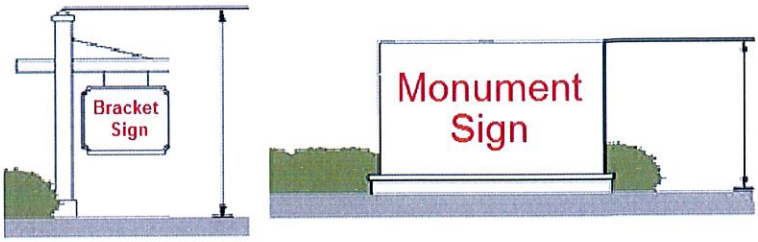
(3) The sign area of a three-dimensional sign is calculated as total area of the smallest rectangle, circle or square that fully encloses the largest profile of the three-dimensional sign.



(4) The area for a sign with more than one face is computed by adding together the area of all sign faces, except where the angle at which the two sign faces are placed does not exceed 45 degrees.



F. **Measurement of Sign Height.** The total height of a freestanding sign is measured from the highest point of the sign or supporting structure to the adjacent grade.



G. **Fees.** Fees for sign permits shall be as set by resolution of the City Council.

H. **Permitted Signs.** All signs which comply with the provisions and conditions set forth in this Section and obtain a permit shall be allowed, and all signs not so compliant are specifically prohibited.

I. **Exempt Signs.** The following signs are considered to be exempt from obtaining a permit, but not exempt from the provisions of this section. Exempt signs of a temporary nature shall not be attached to fences, utility poles or the like and shall not impair traffic visibility. Exempt signs, not in compliance with the provisions of Subsections (1) through (5) below may not continue after the effective date of any amendment of this section.
   (1) Historical markers, tablets and statues, memorial signs or plaques; when cut into masonry surface or when constructed of bronze, stainless steel or similar material and not exceeding six square feet.
   (2) Flags
   (3) Non-illuminated warning, private drive, posted or no trespassing signs, not exceeding two square feet per face.
      (a) "Warning," "private drive," "posted" or "no trespassing" signs shall not be in excess of four feet in height and shall not be in excess of two square foot per face. A maximum of one posted, "warning" or "no trespassing" sign shall be permitted to be placed along the perimeter of property lines at intervals not less than 100 feet apart. This restriction will not apply to properties owned by public entities or utility companies.
   (4) Three or fewer temporary signs (window, posters, lawn, and directional) not exceeding 60 days, and per the overall area allocation in Sec. M below.
   (5) Decorations, including lighting.

J. **Prohibited Signs.**
   (1) No off-premises signs shall be allowed other than those allowed.
   (2) No sign shall be illuminated by or contain flashing, rotating, scrolling, strobing, or moving lights.
   (3) No sign shall impair or cause confusion of vehicular or pedestrian traffic, in its design color or placement.
   (4) No sign shall be placed upon the roof of any building.
   (5) No sign shall consist of or simulate moving, revolving or fluttering devices such as ribbons and streamers.
   (6) No advertising message shall be extended over more than one sign placed along a street or highway.
   (7) No signs shall be attached to utility poles in all zones of the City of Batavia. No permanent, temporary or exempt signs shall be attached, placed, painted or drawn upon fences, trees or man-made or natural features, including permanent, temporary or exempt signs.

(8) No signs shall be placed anywhere within the City or state rights-of-way without the permission of the Department of Public Works, excepting awning signs, canopy signs, projecting signs, and shingle signs in commercial, industrial and planned development districts not exceeding six square feet and sidewalk signs not exceeding 20 square feet in commercial industrial and planned development districts. All signs must be a minimum of 18 inches inside the street line.

K. Portable Signs.

(1) Portable signs, if powered by electric, must meet all the construction standards of the New York State Uniform Fire Prevention and Building Code.

(2) Portable sign size shall not exceed 32 square feet and shall be limited to five feet above grade.

(3) Portable signs must be removed after 60 days. Another portable sign permit can be applied for 30 days after removal of a portable sign.

L. Sign Types Allowed by District. Signs are allowed by district as set forth below. Specific requirements for each sign are shown on the following pages.

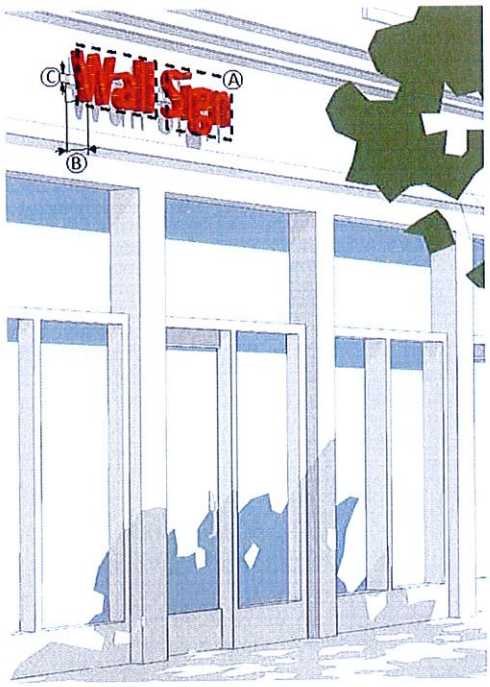
Sign Types	Zoning Districts							
	R-1, R-1A, R-2	R-3	C-1	C-2	C-3, H-O	I-1	I-2, I-3, P-1, P-2, P-3	L
Wall Sign	●	●	●	●	●	●	●	
Awning Sign			●	●	●	●	●	
Canopy Sign			●	●	●	●	●	
Projecting Sign	●	●	●	●	●			
Shingle Sign	●	●	●	●	●	●		
Window Sign			●	●	●	●	●	
Pole Sign				●		●		
Monument Sign	●	●	●	●	●	●	●	●
Marquee Sign				□	●			
Iconic Sign			□	□	●			
Bracket Sign	●	●	●	●	●	●	●	●
Sidewalk Sign			●	●	●			

KEY: ● = Sign type allowed □ = Sign type allowed on State highways Blank Cell = Sign type not allowed

M. Allocation of Overall Sign Area The maximum sign area allocation for each sign type is determined by the district and is established below. For each cell, there is a maximum sign area allocation that may be utilized with any combination and any number of signs associated with that cell, except for only one free standing sign per 200 feet of street frontage and one building mounted sign per establishment per building wall visible from a public right-of-way is allowed (awning and window signs excluded). The total area of wall or canopy signs shall not exceed what would be allowed on the largest wall visible from the public right-of-way. Sign area is measured in square feet or percentage of wall area and total window space for window signs.

Sign Types	Zoning Districts										
	R-1, R-1A, R-2	R-3	C-1	C-2	C-3, H-O	I-1	I-2, I-3	P-1	P-2	P-3	L
Wall Sign	2 sf	2 sf	10%	15%	15%	15%	15%	15%	15%	10%	
Awning Sign	2 sf	2 sf	15%	25%	20%	20%	20%	20%	20%	20%	
Canopy Sign			15%	25%	20%	20%	20%	20%	20%	20%	
Projecting Sign	2 sf	2 sf	10 sf	10 sf	10 sf	10 sf	10 sf	10 sf	10 sf	10 sf	
Shingle Sign	2 sf	2 sf	10 sf	10 sf	10 sf	10 sf	10 sf	10 sf	10 sf	10 sf	
Window Sign			25%	25%	25%	25%	25%	25%	25%	25%	
Pole Sign				40 sf		15 sf					
Monument Sign	15 sf	15 sf	15 sf	40 sf	15 sf	15 sf	15 sf	15 sf	15 sf	6 sf	6 sf
Marquee Sign				100 sf	175 sf						
Iconic Sign			15 sf	40 sf	15 sf						
Bracket Sign	2 sf	2 sf	10 sf	10 sf	10 sf	10 sf	10 sf	10 sf	10 sf	10 sf	
Sidewalk Sign			20 sf	20 sf	20 sf						
Temporary Sign	9 sf	9 sf	32 sf	32 sf	32 sf	32 sf	32 sf	32 sf	32 sf	32 sf	9 sf

N. Wall Signs.

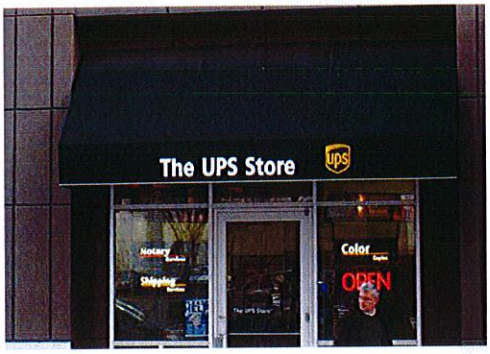


Description
A sign placed or painted against a building and attached to the exterior front, rear or side so that the display surface is parallel to the plane of the wall.
General Provisions
1. No portion of a wall sign may extend beyond the ends, above the roof line, above a parapet wall of a building with a flat roof, or above the second story in a building with more than two stories. 2. No portion of a wall sign may extend above the lower eave line of a building with a pitched roof. 3. A wall sign cannot cover windows or architectural details. 4. A wall sign may be illuminated in accordance with Sec. Z below.

Standards

A	Overall area allocation (max)	Sec. M above
B	Projection - measured from building facade (max)	15 in.
C	Electrical raceway (max % of letter height)	50%

O. Awning Signs.



Description
A sign where graphics or symbols are painted, sewn, or otherwise adhered to the awning material as an integrated part of the awning itself.

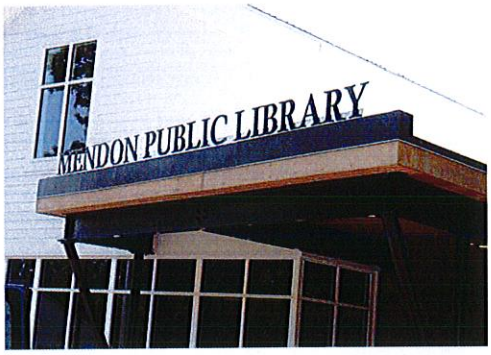
General Provisions

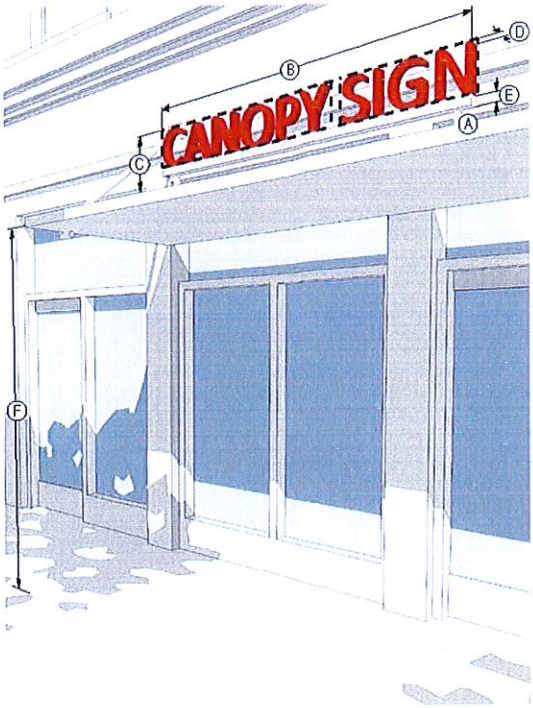
1. An awning sign cannot extend outside the awning.
2. Only awnings over ground story doors or windows may contain signs.
3. A maximum of one sign is allowed per awning face per establishment.
4. Signs are only allowed in the vertical areas of the awning.
5. An awning sign may only be externally illuminated in accordance with Sec. Z below.

Standards

A	Overall area allocation (max)	Sec. M above
B	Width (max % of awning width/depth)	75%
C	Height of text and graphics on valance (max)	2 ft.

P. Canopy Signs.





Description
A sign placed on a canopy so that the display surface is parallel to the plane of the wall.

General Provisions

1. A canopy sign cannot extend outside the overall length or width of the canopy. However, a canopy sign may extend above or below the canopy.
2. A maximum of one sign is allowed per canopy per establishment.
3. A canopy sign must be located over an accessible building entrance.
4. Electrical raceways are permitted for signs extending below or above the canopy. Otherwise, electrical raceways are not permitted and the sign must be flush with the canopy face.
5. A canopy sign may be illuminated in accordance with Sec. Z below.

Standards

A	Overall area allocation (max)	Sec. M above
B	Width (max % of canopy width)	75%
C	Height of text and graphics (max)	2 ft.
D	Depth (max)	1 ft.
E	Electrical Raceway (max % of letter height)	50%
F	Clear height above sidewalk (min)	10 ft.

Q. Projecting Signs.

Description
A sign attached to the building facade at a 90-degree angle, extending more than 15 inches. A projecting sign may be two or three-dimensional.

General Provisions

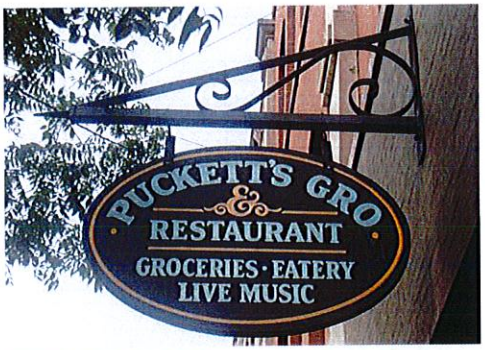
1. A projecting sign must be located at least 25 feet from any other projecting sign.
2. A projecting sign may be erected on a building corner when the building corner adjoins the intersection of two streets. Allocation of sign area from both streets may be used; however, in no case can the sign exceed the maximum height and width standards.
3. The top of a projecting sign can be no higher than the top of the building. However, on one story buildings, the top of a projecting sign may have a maximum of 20% of the sign height above the top of the building.
4. Buildings four stories and higher, a projecting sign must be located below the window sills of the 4th story.
6. A projecting sign may be illuminated in accordance with Sec. Z below.

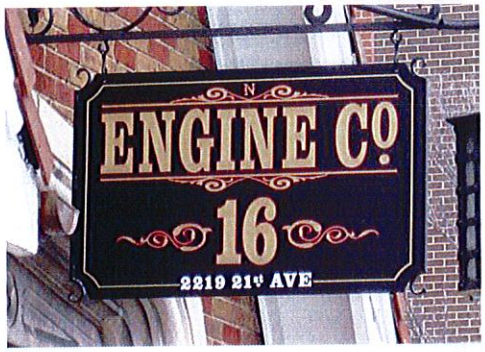
Standards

A	Overall area allocation (max)	Sec. M above
B	Height (1) (max)	
	Mounted below 2nd floor	4 ft.
	Mounted on 2nd or 3rd floor	8 ft.
C	Spacing from building facade (min/max)	1 ft./2 ft.
D	Projection width (max)	6 ft.
E	Depth (max)	1 ft.
F	Clear height above sidewalk (min)	10 ft.

(1) If a sign is mounted across two floors then the maximum height is the average of the maximum heights for each respective floor.

R. Shingle Signs.





Description
A small projecting sign that hangs from a bracket or support.

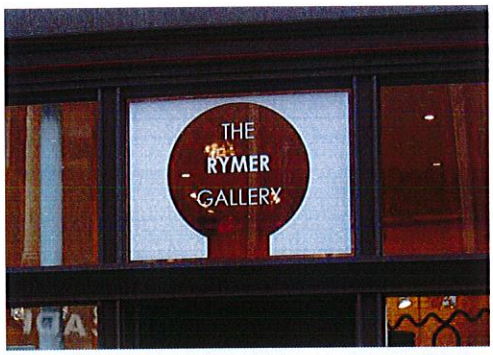
General Provisions

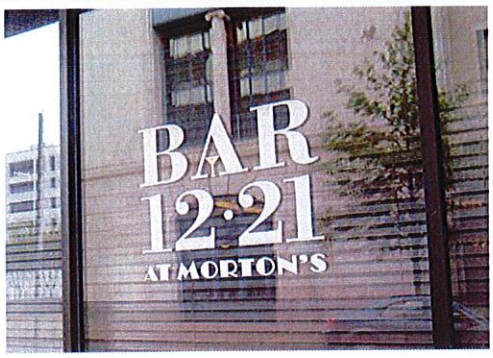
1. A shingle sign must be located within 5 feet of an accessible building entrance.
2. The hanging bracket must be an integral part of the sign design.
3. A shingle sign must be located below the window sills of the second story on a multi-story building or below the roof line on a single-story building.
4. A shingle sign cannot be illuminated.

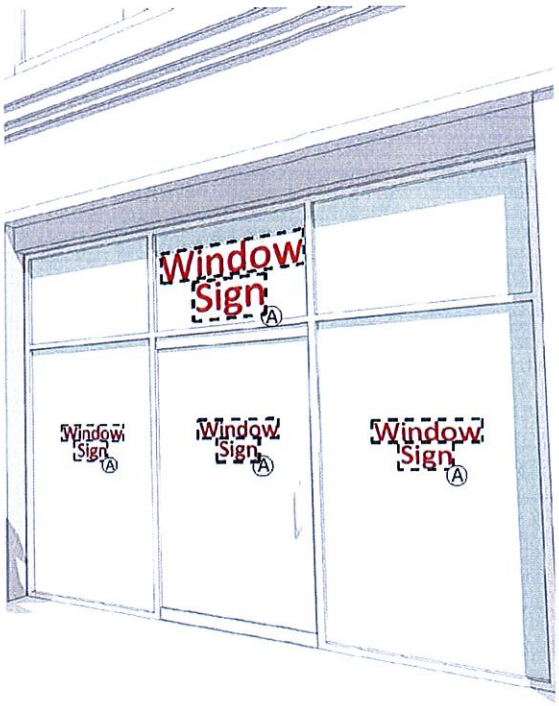
Standards

A	Overall area allocation (max)	Sec. M above
B	Height (max)	3 ft.
C	Spacing from building facade (min/max)	6 in./12 in.
D	Projection width (max)	3.5 ft.
E	Depth (max)	6 in.
F	Clear height above sidewalk (min)	10 ft.

S. Window Signs.

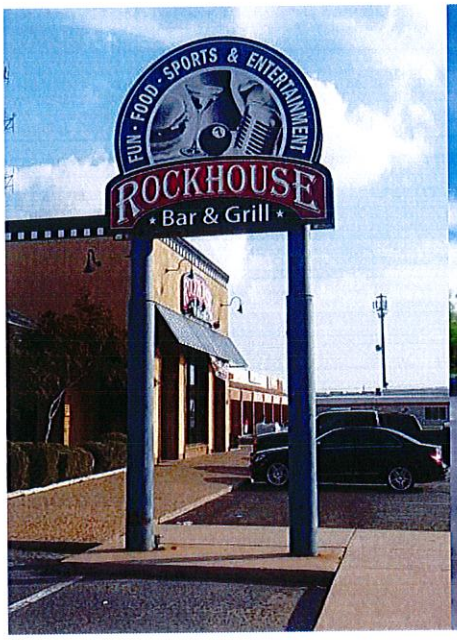


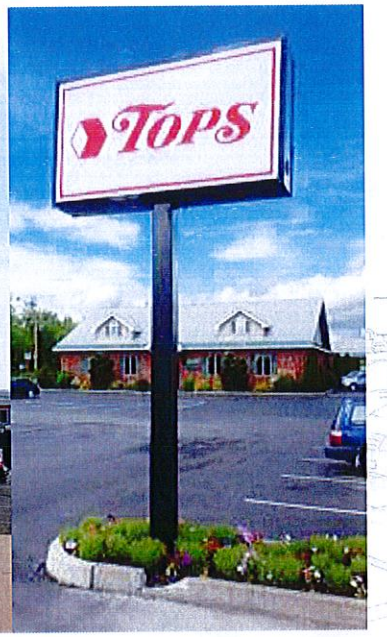


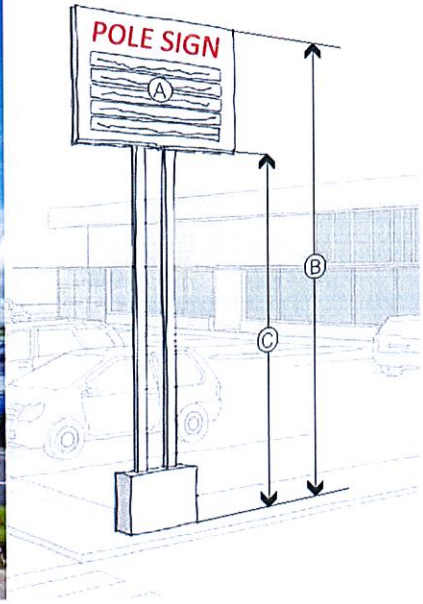


Description		
A sign visible from a sidewalk, street or other public place, painted or affixed on glass or other window material, or located inside within four feet of the window, but not including graphics in connection with customary window display of products.		
General Provisions		
1. Windows signs are only allowed on ground and second story windows and doors, except that second story windows sings are only allowed if for a different establishment than that of the ground story and if no other sign is attached to the building for that establishment. 2. A window sign can only be internally illuminated in accordance with Sec. Z below. 3. Overall area allocation shall be calculated for all windows per floor, per establishment, per side of the building.		
Standards		
A	Overall area allocation (max)	Sec. M above

T. Pole Signs.







Description
A freestanding sign constructed on a structure of one or more poles.

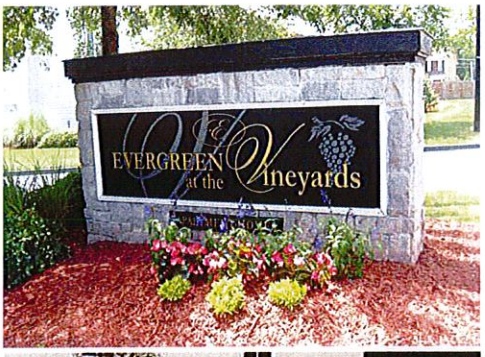
General Provisions

1. One pole sign is allowed per street frontage, except that one additional monument sign is allowed for properties with 200 feet or more of street frontage. Where more than one monument sign is permitted, signs along the same street frontage must be spaced a minimum of 150 feet apart.
2. A pole sign must be set back at least 5 feet from any property line.
3. A pole sign may be illuminated in accordance with Sec. Z below.

Standards

A	Overall area allocation (max)	Sec. M above
B	Height (max)	25 ft. (C-2), 18 ft. (I-2)
C	Vertical clearance (min/max)	10 ft./15 ft.

U. Monument Signs.



Description
A freestanding sign attached to the ground along its entire length to a continuous pedestal. A monument sign is horizontally oriented or is square.

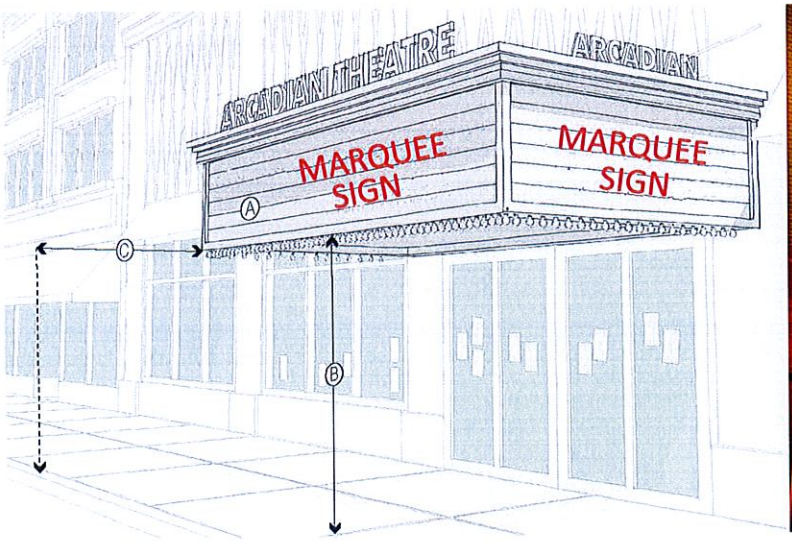
General Provisions

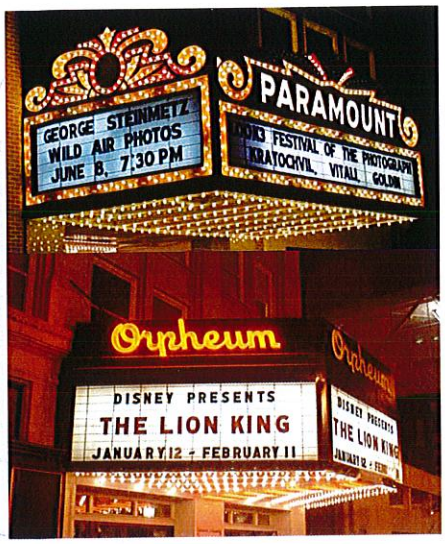
1. One monument sign is allowed per street frontage, except that one additional monument sign is allowed for properties with 200 feet or more of street frontage. Where more than one monument sign is permitted, signs along the same street frontage must be spaced a minimum of 150 feet apart.
2. A monument sign must be set back at least 5 feet from any property line, except for signs in the Land Conservation (L) District where the sign has to be 10 feet from any property line.
3. A sign erected on a retaining wall is required to meet the standards for a monument sign. The height of the wall is included in the overall height calculation.
4. A monument sign may be illuminated in accordance with Sec. Z below.

Standards

A	Overall area allocation (max)	Sec. M above
B	Height (max)	6 ft.
C	Depth (max)	18 in.

V. Marquee Signs.





Description
A sign attached to the top or the face of a permanent roof-like structure.

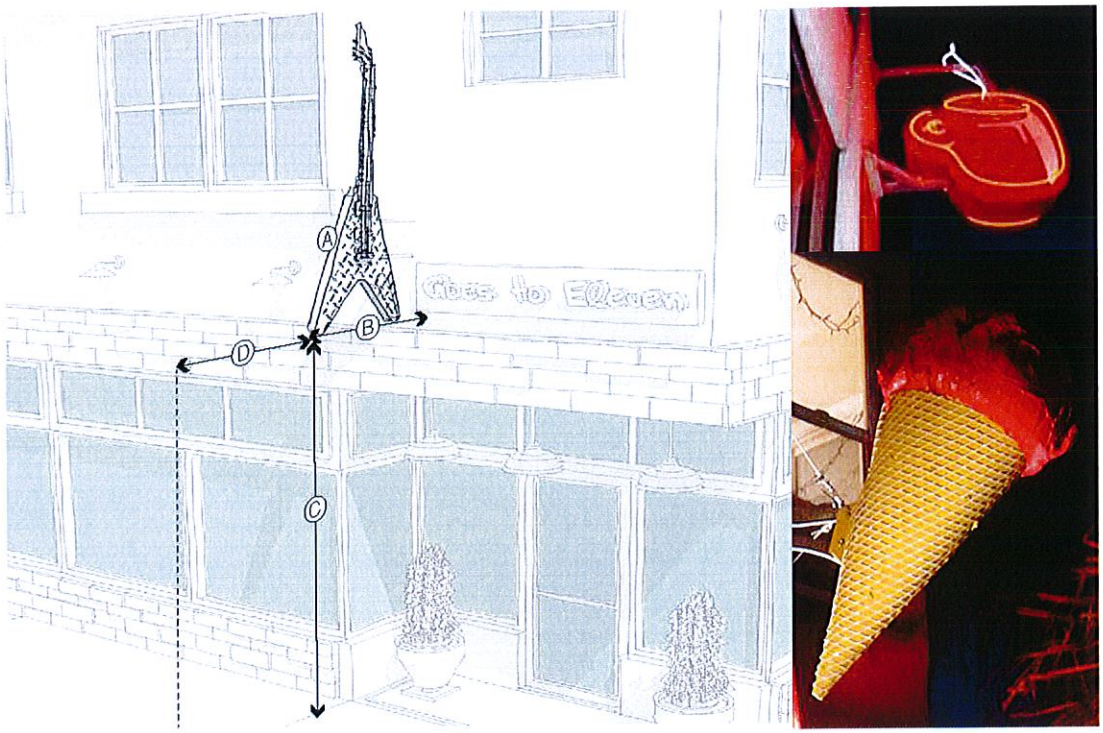
General Provisions

1. A maximum of one marquee sign is permitted per building. Only the following types of establishments may erect a marquee sign: assembly, large or small; cultural facility; school, college/university; hotel/ hostel; amusement facility, indoor or outdoor; or live entertainment.
2. A marquee may be erected over a main entrance only, and may be no wider than the entrance over which it is erected, plus five feet on each side.
3. A marquee sign must be supported solely by the building to which it is attached. No exterior columns or posts are permitted as supports.
4. All marquees, including anchors, bolts, supporting rods and braces, must be constructed of non-combustible material and must be designed by a licensed design professional.
5. Water from the marquee roof must not drain, drip, or flow onto the surface of a public right-of-way. Sufficient gutters, downspouts, and drains must be installed as part of each marquee to prevent water from flowing onto the surface of a public right-of-way.
6. A marquee sign may be illuminated in accordance with Sec. Z below.

Standards

A	Overall area allocation (max)	Sec. M above
B	Vertical clearance from sidewalk level (min/max)	10 ft.
C	Setback from curb line (min)	18 in.

W. Iconic Signs.



Description
A sculptural, typically three-dimensional sign whose form suggests its meaning, and which can either be building-mounted or freestanding.

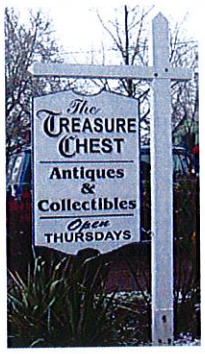
General Provisions

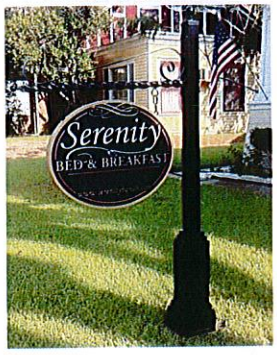
1. A maximum of one iconic sign is permitted per establishment.
2. An iconic sign may contain only iconographical elements representing a product or service offered on site, and may not contain any other items of information.
3. The top of an iconic sign can be no higher than the top of the building. However, on one story buildings, the top of an iconic sign may have a maximum of 20% of the sign height above the top of the building.
4. Buildings four stories and higher, an iconic sign must be located below the window sills of the 4th story.
5. An iconic sign may be illuminated in accordance with Sec. Z below.

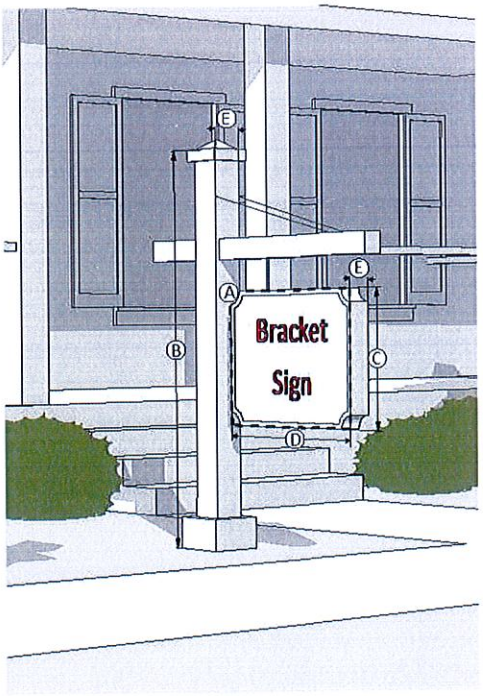
Standards

A	Overall area allocation (max)	Sec. M above
B	Projection from wall (max, including supports)	5 ft.
C	Vertical clearance from sidewalk level (min)	10 ft.
D	Setback from curb line (min)	18 in.

X. Bracket Signs.







Description
A freestanding sign attached to the ground by one or more support structures that is not higher than 5 feet and hangs from a bracket or support.

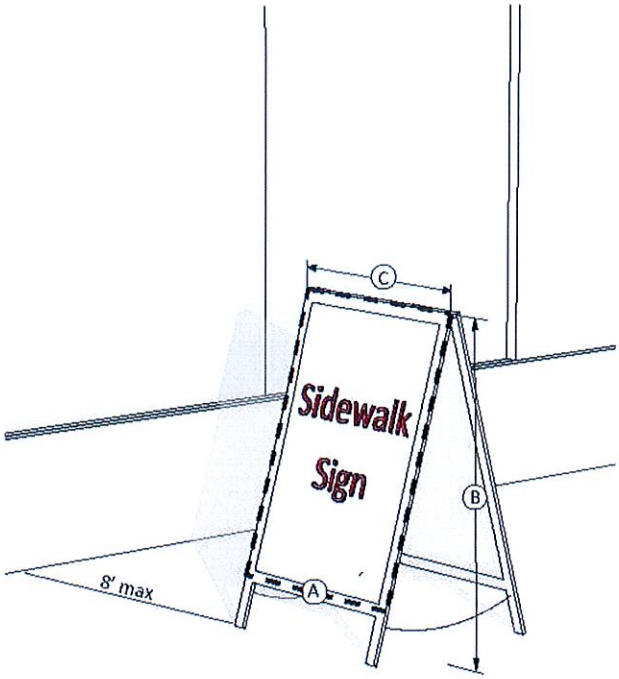
General Provisions

1. Only one bracket sign is allowed per building.
2. A bracket sign must be located at least 25 feet from any other bracket sign.
3. The hanging bracket must be an integral part of the sign design.
4. A bracket sign can only be externally illuminated in accordance with Sec. Z below.

Standards

A	Overall area allocation (max)	Sec. M above
B	Sign structure height (max)	5 ft.
C	Sign area height (max)	3 ft.
D	Sign area width (max)	3 ft.
E	Sign structure/area depth (max)	6 in.

Y. Sidewalk Signs.



Description
A moveable sign not secured or attached to the ground or surface upon which it is located.

General Provisions

1. Sidewalk signs do not require a permit but must be taken inside the place of business at the close of business.
2. A sidewalk sign must be located at least 25 feet from any other sidewalk sign.
3. Sidewalk signs cannot obstruct vehicular, bicycle or pedestrian traffic and must comply with ADA clearance and accessibility.
4. A sidewalk sign cannot be illuminated.

Standards

A	Overall area allocation (max)	Sec. M above
B	Height (max)	5 ft.
C	Width (max)	4 ft.

Z. Sign illumination.

Illumination of signs must be in accordance with the following requirements.

(1) External Illumination
- (a) Lighting directed toward a sign must be shielded so that it illuminates only the face of the sign and does not shine directly onto public right-of-way or adjacent properties.
- (b) Projecting light fixtures used for externally illuminated signs must be simple and unobtrusive in appearance, and not obscure the sign.

(2) Internal Illumination
- (a) The background must be opaque or a darker color than the message of the sign.

(3) Exposed Neon
- (a) Exposed neon may be used for lettering or as an accent.

(4) Backlit Illumination
- (a) Light can be white or a color.
- (b) The background surface that the light shines onto shall not be reflective.

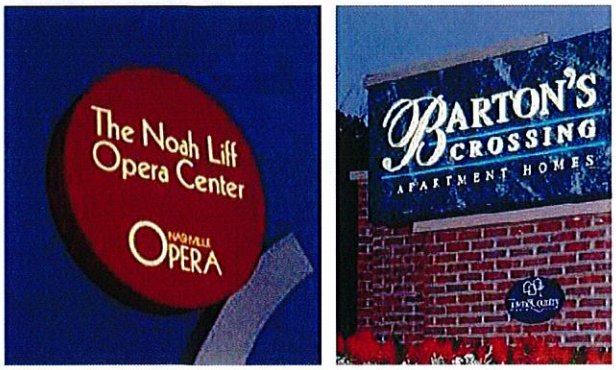
(5) Prohibited Light Sources.
The following light sources are not allowed:
- (a) Blinking, flashing and chasing.
- (b) Bare bulb illumination except for Marquee Signs.

(6) Electrical Raceways and Transformers
- (a) If a raceway is necessary, it cannot extend in width or height beyond the area of the sign.
- (b) A raceway must be finished to match the background wall or canopy, or integrated into the overall design of the sign.
- (c) Visible transformers are not allowed.

External light sources

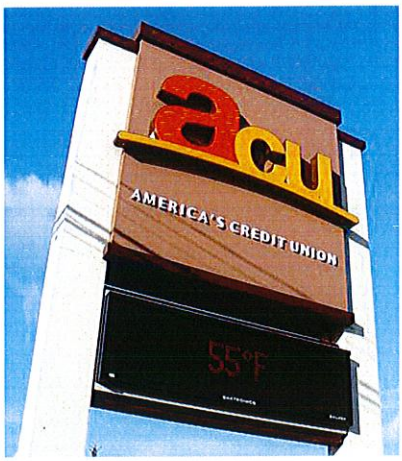
Internally lit channel letters

Back lit channel letters



Internally lit sign with darker background

(7) Electronic Message Boards



(a) Electronic message boards are allowed as part of a permanent freestanding sign and can only comprise as much as 30% of the total square footage permitted in Sec. M above.

(b) One electronic message boards is allowed per street frontage and shall also be considered a pole or monument sign per the density/spacing provision in those sections above.

(c) An electronic message board may not change or move more often than once every hour.

(d) The images and messages displayed must be static and shall not produce the illusion of scrolling, moving objects, expanding or contracting shapes, rotation or any similar effect of animation.

(e) The transition from one static display to another must be instantaneous without any special effects.

(f) The images and messages displayed must be complete in themselves, without continuation in content to the next image or message or to any other sign.

(g) An electronic message board must be designed and equipped to freeze the device in one position if a malfunction occurs. The displays must also be equipped with a means to immediately discontinue the display if it malfunctions, and the sign owner must immediately stop the display when notified by the City that it is not complying with this section.

(h) An electronic message board must not be brighter than is necessary for clear and adequate visibility.

(i) An electronic message board must not be of such intensity or brilliance as to impair the vision of a motor vehicle driver or to otherwise interfere with the driver's operation of a motor vehicle.

(j) An electronic message board must not be of such intensity or brilliance that it interferes with the effectiveness of an official traffic-control sign, device or signal.

(k) An electronic message board must be equipped with a mechanism that automatically adjusts the brightness in response to ambient conditions.

(l) An electronic message board must not be equipped with audio speakers, excluding two-way communication devices.

(m) Electronic message boards (except static numeric signs) require an annual permit to defray the City's cost to monitor and regulate their operations in accordance with the provisions of this chapter. Failure to obtain and maintain such annual permit will constitute a violation and the operation of the sign shall be terminated. The cost of this permit shall be established as deemed appropriate through approval of City Council resolutions.

(8) Illumination Types Allowed by District.

Illumination Types	Zoning Districts							
	R-1, R-1A, R-2	R-3	C-1	C-2	C-3, H-O	I-1	I-2, P-1, P-2, P-3	L
External Illumination	●	●	●	●	●	●	●	●
Internal Illumination			●	●		●	●	
Backlit Illumination			●	●	●	●	●	
Exposed Neon				●	●			
Electronic Message Board				□		□		

KEY: ● = Allowed Blank Cell = Not allowed

□ = Allowed on State highways except where entire parcel is directly adjacent to the H-O District

AA. Nonconforming Signs.

(1) Any sign not conforming to the regulation of the district in which it is located at the time of adoption of this chapter shall be nonconforming.

(2) Any sign or other advertising structure lawfully in existence on the date this amendment to this section is enacted or the effective date of any amendment to this section may continue and shall be maintained.

(3) An existing sign may change the face or panel of the sign that does not meet the area or height standards of this law. However, there shall be no increase in the degree of nonconformity. All new panels must conform to all illumination standards of Sec. Z above.

(4) A sign must be brought into compliance with this law if at any time the sign is altered, repaired, restored or rebuilt to the extent that the cost exceeds 50% of the estimated replacement cost of the sign (in current dollar value). All sign permits within any 6 consecutive calendar months will be aggregated for purposes of measuring the 50% standard.

(5) If the repair is caused by involuntary damage or casualty and not deferred maintenance, the sign may be repaired to any extent.

BB. Removal of Signs. Any sign, existing on or after the effective date of this amendment to this section, which is no longer associated with the establishment upon which such a sign is located, or is unsafe shall be removed within 30 days upon written notice from the Department of Public Works. Upon failure to correct, the Department of Public Works shall remove or cause to be removed said sign and shall cause to be assessed against the property all costs and expenses incurred.

CC. Maintenance. All signs shall be maintained in such a condition so as to not constitute a danger to the public health, safety or welfare. The Department of Public Works shall inspect and have the authority to order the painting, repair and alteration or removal of signs which become dilapidated or are abandoned, or which constitute physical hazard to the public safety.

DD. Construction Standards. All signs shall be constructed and installed in conformance with the New York State Uniform Fire Prevention and Building Code. Separate certification may be required for illuminated signs indicating compliance with the National Electrical Code (NFPA 70). The Department of Public Works shall have the option to require a review by the City Engineer. If the City Engineer

finds the mounting technique questionable, a professional review by a New York State registered engineer would be required.

EE. Appeal procedures. Any person aggrieved by a decision of the Department of Public Works relative to dimensional provisions of this section may appeal such decision by applying for an area variance. The Department of Public Works shall refer the application to the Zoning Board of Appeals for approval or denial. In granting a variance, the Zoning Board of Appeals must determine that the sign is in harmony with the general purposes of this section, does not harm the neighborhood character, and is not detrimental to public health, safety or welfare. The Zoning Board of Appeals should also consider the benefit to the applicant versus the detriment to the community in the granting of any variance. The City Planning and Development Committee shall review and issue recommendations to the Zoning Board of Appeals for area variances for signs within the Central Commercial (C-3) District.

FF. Substitution Clause. The owner of any sign which is otherwise allowed by this law may substitute noncommercial copy in lieu of any other commercial or non-commercial copy. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over non-commercial speech, or favoring of any particular non-commercial message over any other non-commercial message. This provision prevails over any more specific provision to the contrary.

GG. Severability Clause. Should any section or provision of this law be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the law as a whole or any part thereof, other than the part so declared to be invalid.